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THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET 1934 OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 16 NUMBER 183

Washington, Thursday, September 20, 1951

TITLE 3—THE PRESIDENT

PROCLAMATION 2945

AUDUBON CENTENNIAL YEAR

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS John James Audubon, naturalist, ornithologist, and artist, by his devotion to a task which he loved and to which he dedicated his life, made an outstanding contribution to American culture and art by his paintings of the birds of America in their natural size and in the full glory of their colored plumage; and

WHEREAS Audubon was a forerunner of the movement for the conservation of wildlife in America, and his work continues to stimulate appreciation of the wealth and beauty of America's natural resources, serving as a constant inspiration in the continuing endeavor to preserve our birds and other wildlife from extinction; and

WHEREAS Audubon died on January 27, 1851, in the sixty-sixth year of his life; and

WHEREAS the Congress of the United States, by an act approved August 28, 1951, authorized the President to issue a proclamation designating 1951 as Audubon Centennial Year:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, by this proclamation, designate the year 1951 as Audubon Centennial Year, in observance of the one-hundredth anniversary of the death of John James Audubon; and I urge all Americans to do their part in furthering the efforts of our Government and of many of our citizens to protect and conserve the wildlife of America.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 18th day of September in the year of our Lord nineteen hundred and fifty-one, and of the Independence of the United States of America the one hundred and seventy-sixth.

[SEAL]

HARRY S. TRUMAN

By the President:

JAMES E. WEBB,
Acting Secretary of State.

[F. R. Doc. 51-11417; Filed, Sept. 19, 1951; 11:10 a. m.]

TRADE AGREEMENT LETTER

[CARRYING OUT THE TORQUAY PROTOCOL TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE AND FOR OTHER PURPOSES]

THE WHITE HOUSE,
Washington, September 18, 1951.

MY DEAR MR. SECRETARY:

Reference is made to my proclamation of June 2, 1951,[1] carrying out the Torquay Protocol to the General Agreement on Tariffs and Trade, and particularly to the procedure described in Part I (b) (I) of that proclamation.

Peru has signed the Torquay Protocol on September 7, 1951. I hereby notify you that the following (1) complete items in Part I of Schedule XX annexed to the Torquay Protocol (in cases in which only the item designation is specified), (2) portions of such items to which particular rates are applicable (in cases in which the item designation is specified together with only one or more rates of duty), and (3) portions of such items identified by descriptive language (in cases in which the item designation is specified together with descriptive language, with or without the applicable rate of duty) shall not be withheld pursuant to paragraph 4 of the Torquay Protocol on and after October 7, 1951.

[1] Proclamation 2929, 16 F. R. 5381.

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500; as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

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35		
36		
377		
718 (a)	22½% ad val. [third such rate]. 15% ad val. [first such rate].	
783		
1102 (b)		
1111		
1116 (a)		
1117 (c)		
1558		All except fatty acids derived from vegetable, animal, or fish oils, or from animal fats and greases; incense; and yeast.
1609		
1670		Tara.
1719		
1722		Barbasco or cube root.

Reference is also made to the thirteenth recital of my proclamation of June 2, 1951 regarding amendments to the list of Cuban products entitled to preferential treatment pursuant to Proclamation 2764 of January 1, 1948. It will be noted that the remaining portion of item 1558 in Part I of Schedule XX to the Torquay Protocol, which was withheld on and after June 6, 1951, will not be withheld on and after October 7, 1951. Consequently, the full modification of the list in the ninth recital of the proclamation of January 1, 1948, as amended and rectified, which is set forth in the thirteenth recital to the right of the designation 1558 will be effective on and after October 7, 1951.

Very sincerely yours,

HARRY S. TRUMAN

Hon. JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 51-11395; Filed, Sept. 18, 1951; 4:25 p. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 986—HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

BUDGET OF EXPENSES FOR MARKETING SEASON BEGINNING AUGUST 1, 1951, AND RATE OF ASSESSMENT

Notice of proposed rule making, with respect to a budget of expenses of the Hop Control Board for the marketing season beginning August 1, 1951, and rate of assessment, was published in the FEDERAL REGISTER of August 28, 1951 (16 F. R. 8682), pursuant to provisions of Marketing Agreement No. 107 and Order No. 86 regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States (7 CFR Part 986), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, opportunity was afforded interested persons to submit to the Department written data, views, or arguments for consideration prior to issuance of the final rule. No such documents were received during the time specified in the notice.

It is hereby found and determined that it is unnecessary and contrary to the public interest to delay the effective date of the order contained herein until thirty (30) days after publication in the FEDERAL REGISTER, for the reasons that (1) handling of hops of the 1951 crop is about to begin and all hops of such crop handled are to be subject to the assessment rate set forth herein, and (2) the order herein will require no special preparation by handlers or the Hop Control Board which cannot be made within three days after its publication in the FEDERAL REGISTER.

The approval of the order set forth herein does not constitute approval of the payment by the Hop Control Board of any salary or wage which is not in compliance with the regulations of the Wage Stabilization Board.

Therefore, after consideration of all relevant matters, it is found and determined that the budget of expenses of the Hop Control Board and rate of assessment shall be as follows:

§ 986.302 *Budget of expenses for the marketing season beginning August 1, 1951, and rate of assessment*—(a) *Budget of expenses.* Expenses in the amount of $147,900 are reasonable and likely to be incurred by the Hop Control Board (including but not limited to the Growers Allocation Committee and the several Growers Advisory Committees) for its maintenance and functioning during the marketing season beginning August 1, 1951; and

(b) *Rate of assessment.* The rate of assessment for the marketing season beginning August 1, 1951, shall be one-third of a cent per pound, net dry weight, of hops handled, and the assessment rate of any hop product shall be based upon the assessment rate for hops, and shall be computed at such conversion ratio or ratios between hops and the respective hop product as determined pursuant to § 986.6 (b) (6) of said agreement and order.

(Sec. 5, 49 Stat., as amended; 7 U. S. C. and Sup. 608c).

Done at Washington, D. C., this 17th day of September 1951, to become effective on the third day after date of publication in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-11368; Filed, Sept. 19, 1951; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5869]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PLYMOUTH TEXTILES

Subpart—*Advertising falsely or misleadingly:* § 3.45 *Content;* § 3.75 *Free goods or services.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1955 *Free goods.* In connection with the offering for sale, sale and distribution of remnants and patches of cloth in commerce, (1) representing, directly or by implication, that assortments of remnants and patches include pieces of cloth sufficiently large to be made into aprons or children's sun suits, unless such assortments do in fact consist in substantial part of pieces of cloth which are of sufficient size for such purposes; or (2) using the word "free" or any other word or words of similar import, to designate or describe articles the cost of which is included in the price of other merchandise, or which are not in fact gifts or gratuities furnished without cost or obligation to the recipient thereof; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Harold Eisenberg et al. d. b. a. Plymouth Textiles, Docket 5869, July 12, 1951]

In the Matter of Harold Eisenberg and Sam Eisenberg, copartners d. b. a. Plymouth Textiles

This proceeding was heard by William L. Pack, trial examiner, upon the complaint of the Commission, respondents' answer and a stipulation whereby it was stipulated and agreed that a statement of facts executed by counsel might be taken as the facts in the proceeding and in lieu of evidence in support of and in opposition to the charges stated in the complaint.

It was further stipulated and agreed that such statement of facts might serve as the basis for findings as to the facts and conclusion based thereon and an order disposing of the proceeding without the presentation of proposed findings and conclusions or oral argument, it being further provided that upon appeal to or review by the Commission such stipulation might be set aside by it and the matter remanded for further proceedings under the complaint.

Thereafter, the proceeding regularly came on for final consideration by the trial examiner upon the complaint, answer, and stipulation, and said trial examiner having approved said stipulation and having found, after considering the record in the matter, that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts, conclusion drawn therefrom and order to cease and desist.

No appeal having been filed from said initial decision of said trial examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provision of said Rule XXII, became the decision of the Commission July 12, 1951.

The said order to cease and desist is as follows:

It is ordered, That the respondents, Harold Eisenberg and Sam Eisenberg, individually and as copartners trading under the name Plymouth Textiles, or trading under any other name, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of remnants and patches of cloth in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that assortments of remnants and patches include pieces of cloth sufficiently large to be made into aprons or children's sun suits, unless such assortments do in fact consist in substantial part of pieces of cloth which are of sufficient size for such purposes.

2. Using the word "free" or any other word or words of similar import, to designate or describe articles the cost of which is included in the price of other merchandise, or which are not in fact gifts or gratuities furnished without cost or obligation to the recipient thereof.

By "Decision of the Commission and order to file report of compliance", Docket 5869, July 12, 1951, which announced and decreed fruition of said initial decision, report of compliance with the order to cease and desist was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: July 12, 1951.

By the Commission.

[SEAL] WM. P. GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 51-11343; Filed, Sept. 19, 1951; 8:53 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.137]

PART 40—VISAS: DIPLOMATIC

VISA REGULATIONS

SEPTEMBER 10, 1951.

Part 40, Chapter I, Title 22, Code of Federal Regulations, is amended to read as follows:

Sec.
40.1 Definitions.
40.2 Officers authorized to grant diplomatic visas.
40.3 Types and validity of diplomatic visas.
40.4 Classes of aliens eligible to receive diplomatic visas.
40.5 Classes of aliens ineligible to receive diplomatic visas.
40.6 Advisory opinions from the Department.
40.7 Application for diplomatic visa.
40.8 Passport requirement.
40.9 Evidence of diplomatic status.
40.10 Form of diplomatic visa.
40.11 Diplomatic visas granted without charge.
40.12 Meaning of diplomatic visa.
40.13 Cancellation or revocation of diplomatic visa.

AUTHORITY: §§ 40.1 to 40.13 issued under sec. 24, 43 Stat. 166, 8 U. S. C. 222; sec. 37, 54 Stat. 675; 8 U. S. C. 458. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 40.1 *Definitions.* As used in this part:

(a) "Act" means the Immigration Act approved May 26, 1924, as amended, otherwise cited as the Immigration Act of 1924.

(b) "Department" means the Department of State of the United States of America.

(c) "Diplomatic visa" means a visa which has a special form identifying it as a diplomatic visa, and which is stamped on the diplomatic or other equivalent passport of an alien who falls within one of the classes described in § 40.4.

(d) "Diplomatic passport" means a passport designated as such, if the laws of the issuing authorities so permit, and issued by a national governmental authority to an alien owing allegiance to such authority and having diplomatic or career consular status, or to an alien of special distinction.

§ 40.2 *Officers authorized to grant diplomatic visas.* (a) Diplomatic and consular officers attached to an American mission may grant diplomatic visas if so authorized by the chief of the mission.

(b) Consular officers, except consular agents, attached to consular offices may grant diplomatic visas if so authorized

by the Department or by an American mission.

(c) The Chief and the Assistant Chiefs of the Visa Division of the Department, and the Chief and the Assistant Chief of the Diplomatic Visa Section of the Visa Division, may grant, in their discretion, diplomatic visas to aliens in the United States who fall within one of the classes described in § 40.4, and who desire to reenter the United States, after a temporary absence therefrom, in the status indicated in the visa: *Provided*, That such aliens have been duly notified to the Secretary of State. (E. O. 5435 of September 2, 1930.)

§ 40.3 *Types and validity of diplomatic visas.* (a) A regular diplomatic visa shall, unless otherwise specified therein, be valid for 12 months and may be used during this period by the bearer in making any number of applications for admission into the United States: *Provided*, That the alien's passport continues to be valid for such period, and the status of the bearer shall not have changed.

(b) A limited diplomatic visa shall be valid for the limited period specified therein not to exceed 12 months, and may be used by the bearer in making a single application for admission into the United States: *Provided*, That the alien's passport continues to be valid for such period, and the status of the bearer shall not have changed.

§ 40.4 *Classes of aliens eligible to receive diplomatic visas.*—(a) *Regular diplomatic visas.* Regular diplomatic visas may be granted to aliens of the following classes proceeding to the United States as nonimmigrants:

(1) Heads of states and their alternates.

(2) Members of a recognized royal family.

(3) Governors-general, governors, high commissioners, and other similar high administrative or executive officers of a territorial unit and their alternates.

(4) Cabinet ministers and their assistants holding executive or administrative positions not inferior to that of the head of a departmental division or his alternate.

(5) Presiding officers of chambers of national legislative bodies.

(6) Justices of the highest national judicial tribunal.

(7) Officers of a diplomatic service and consular officers of career.

(8) Diplomatic couriers regularly and professionally employed as such.

(9) Military, naval, air, and other attachés and assistant attachés of career assigned to a diplomatic mission.

(10) Military officers holding a rank not inferior to that of a brigadier general in the United States Army or Air Force and naval officers holding a rank not inferior to that of rear admiral in the United States Navy.

(11) Members of official missions of a diplomatic and temporary character.

(12) Officers and representative members of international bodies of an official nature, other than international organizations so designated by Executive order, who have diplomatic passports or the equivalent thereof.

(13) Representatives and other members of foreign-government delegations in or to international organizations so designated by Executive order who have diplomatic passports or the equivalent thereof.

(14) Members of the immediate families, attendants, servants, and employees of aliens whose cases fall within one of the classes described in subparagraphs (1) to (13), inclusive, of this paragraph.

(15) Such other aliens as the Department may specifically designate in individual cases.

(b) *Limited diplomatic visas.* The following classes of aliens who are ineligible to receive regular diplomatic visas, may be granted limited diplomatic visas:

(1) Subordinate members, including employees, of international bodies of an official nature, other than international organizations so designated by Executive order, who are traveling on official business of such international body, and who have diplomatic passports or the equivalent thereof.

(2) Subordinate members, including employees, of foreign-government delegations in or to international organizations so designated by Executive order who have diplomatic passports or the equivalent thereof.

(3) Members of delegations proceeding to or from a specific international conference of an official nature.

(4) Members of the immediate families, attendants, servants, and employees of aliens whose cases fall within one of the classes described in subparagraphs (1) to (3), inclusive, of this paragraph.

(5) Such other aliens as the Department may specifically designate in individual cases.

§ 40.5 *Classes of aliens ineligible to receive diplomatic visas.* The following classes of aliens shall be considered ineligible to receive diplomatic visas:

(a) Aliens declared by the Department to be personae non grata.

(b) Aliens not in possession of a diplomatic passport or its equivalent.

(c) Aliens not within one of the classes described in § 40.4.

(d) Aliens not within one of the classes of nonimmigrants defined in section 3 of the act.

(e) Aliens whom the diplomatic or consular officer knows or has reason to believe seek to enter the United States for the purpose of engaging in activities which will endanger the public safety of the United States. In any case in which a diplomatic visa is denied under the provisions of this paragraph, the diplomatic or consular officer concerned shall promptly refer the case to the Department for such further action as may be deemed appropriate. (55 Stat. 252.)

(f) Aliens not entitled to the benefits of the 10th proviso to section 3 of the Immigration Act of February 5, 1917, as amended, who are inadmissible into the United States under the immigration laws and regulations, unless the Attorney General shall have consented to their temporary admission under the authority of the 9th proviso to section 3 of the said act.

(g) Aliens whom the diplomatic or consular officer knows or has reason to believe seek to enter the United States whether solely, principally, or incidentally, to engage in activities which would be prejudicial to the public interest, or would endanger the welfare or safety of the United States: *Provided*, That the provisions of this paragraph shall not be applicable to ambassadors, public ministers, and career diplomatic and consular officers, including career diplomatic couriers, who have been accredited by a foreign government recognized de jure by the United States and who are accepted by the President or the Secretary of State, and the members of the immediate families of such aliens: *Provided further*, That aliens so exempted shall be ineligible to receive diplomatic visas under the provisions of this paragraph only pursuant to such rules and regulations as the President may deem to be necessary.

(h) Aliens whom the diplomatic or consular officer has reason to believe would, after entry into the United States, be likely to (1) engage in activities which would be prohibited by the laws of the United States relating to espionage, sabotage, public disorder, or in other activities subversive to the national security; (2) engage in any activity a purpose of which is the opposition to, or the control or overthrow of, the Government of the United States by force, violence, or other unconstitutional means; or (3) organize, join, affiliate with, or participate in the activities of any organization which is registered or required to be registered under section 7 of the Subversive Activities Control Act of 1950: *Provided*, That the provisions of this paragraph shall not apply in the case of an alien within any of the classes enumerated in the first proviso to paragraph (g) of this section, nor in the case of a designated principal resident representative of a foreign government member of an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (59 Stat. 669), accredited resident members of the staff of such representative, and the members of his immediate family.

§ 40.6 *Advisory opinions from the Department.* Subject to appropriate instructions from the Department in particular cases, a diplomatic or consular officer may grant or refuse a diplomatic visa in his discretion without reference to the Department for an advisory opinion.

§ 40.7 *Application for diplomatic visa.* (a) Application for a diplomatic visa may be made by an alien at any American mission or consular office authorized to grant diplomatic visas regardless of the nationality or place of residence of such alien.

(b) Application for a diplomatic visa at an American mission or consular office shall be made in person, and, in connection therewith, 4 photographs of the alien shall be required. The requirement of a photograph and personal appearance of the applicant for the purpose of executing an application for a diplomatic visa may be waived in the discretion of the diplomatic or consular officer concerned. No oath shall be required in connection with the execution of such an application.

(c) Application for a diplomatic visa shall be made on Forms 257a-d for each person 14 years of age or over, regardless of the number of persons to be included in such visa. Forms 257a, 257b, and 257d shall be appended to the alien's passport for delivery to the appropriate immigration officer in applying for admission into the United States. Form 257c shall be retained in the consular office files.

§ 40.8 *Passport requirement.* (a) An alien applying for a diplomatic visa shall be required to present an unexpired diplomatic passport, or the equivalent thereof, issued by a government recognized de jure by the United States.

(b) The diplomatic or consular officer shall inform each applicant for a diplomatic visa who is an attendant, servant, or employee of a foreign-government official within the purview of section 3 (1) of the act, or who is an attendant, servant, or employee of a representative in or to an international organization within the purview of section 3 (7) of the act, that the initial period for which such applicant may properly seek admission into the United States, which is to be determined by the Immigration and Naturalization Service, will not extend beyond a date 60 days prior to the end of the period during which the alien's passport is valid for return to his home country or for his entry into some other foreign country.

(c) In the case of an accredited foreign government official within the purview of section 3 (1) of the act, or a representative in or to an international organization within the purview of section 3 (7) of the act, and members of the immediate family of such official or representative, the diplomatic passport need be valid and unexpired only through the date of the bearer's application for admission into the United States at a port of entry.

§ 40.9 *Evidence of diplomatic status.* A diplomatic or consular officer to whom an alien applies for a diplomatic visa may require any evidence he deems necessary to establish such alien's eligibility to receive a diplomatic visa. In the case of a person whose case falls within the provisions of section 3 (1) or 3 (7) of the act, the officer to whom application is made may, in his discretion, require a confirmation of the status of such person from the foreign office or the international organization concerned.

§ 40.10 *Form of diplomatic visa.* (a) The form of a diplomatic visa shall be as follows:

(1) *Regular diplomatic visa.*

DIPLOMATIC VISA

No._____ Date_____
American_____
at_____

SEEN

For presentation at United States ports by

_____

while passport remains valid but not exceeding _____ months from above date.

[GRATIS] _____
(Title)

Sec. 3 ( ) _____
Classification

(2) *Limited diplomatic visas.* A limited diplomatic visa shall contain the notation: "Valid for single application for entry." Form 257 shall reflect the same notation under the heading "Purpose and Length of Intended Stay in United States."

(b) The diplomatic visa stamp shall be impressed upon the alien's passport. The name of the principal alien only shall be inserted in the blank space provided therefor in the visa form which shall be considered as covering all aliens included in the passport of the principal alien. The names of such aliens included in the passport and their relationship to the principal alien, as in the case of a "wife," "daughter," or "son," shall be noted on the lower margin of the visa form.

(c) The diplomatic visa shall show the classification of the bearer to be a nonimmigrant under section 3 of the act. The particular subsection of section 3 of the act under which the visa is granted shall be appropriately specified in the space provided therefor.

(d) In granting a diplomatic visa to an alien who is subject to registration and fingerprinting under the provisions of section 30 of the Alien Registration Act, 1940 (54 Stat. 673; 8 U. S. C. 451), the procedure prescribed in § 42.385 of this chapter shall be followed.

(e) In completing the act of granting a diplomatic visa, the diplomatic or consular officer shall affix his signature and impress the seal of his office in the spaces provided therefor.

§ 40.11 *Diplomatic visas granted without charge.* In accordance with international comity and reciprocal international practice, no fee shall be charged for the granting of a diplomatic visa or for the application therefor.

§ 40.12 *Meaning of diplomatic visa.* An alien to whom a diplomatic visa has been granted shall be entitled to apply at a port of entry for admission into the United States as a nonimmigrant, and the presentation of such a visa at a port of entry of the United States shall, in the case of an alien within the purview of section 3 (1) or 3 (7) of the act, be considered prima facie evidence of the classification of the bearer. Ineligibility to receive a diplomatic visa shall not preclude an alien from applying for a nondiplomatic visa appropriate to his case.

§ 40.13 *Cancellation or revocation of diplomatic visa.* (a) Diplomatic and consular officers are authorized to cancel or revoke a diplomatic visa in any case in which it is known or there is reason to believe that the visa was procured by fraud or misrepresentation, or by other illegal means, or if, subsequent to the issuance of the visa, information is obtained establishing the alien's inadmissibility into the United States under the immigration laws and regulations, or if an immigration visa is issued to an alien to whom a diplomatic visa had previously been granted. Notice of such cancellation or revocation shall be communicated promptly to the holder of the visa prior to his departure for the United States. The transportation company shall be appropriately advised when there is reason to believe that the alien may proceed to the United States notwithstanding the cancellation or revocation of his visa.

(b) In the case of an alien in possession of a diplomatic visa wherein information establishing a ground for cancellation or revocation of the visa is obtained after the bearer has embarked for the United States, or wherein it is not possible to give the bearer notice of the cancellation or revocation of his diplomatic visa, a full report of the facts in the case shall be submitted promptly to the Department for transmission to the appropriate immigration authorities.

Dated: August 27, 1951.

[SEAL] DEAN ACHESON,
Secretary of State.

Recommended, so far as the provisions of the Immigration Act of 1924 and the Alien Registration Act, 1940, are concerned.

J. HOWARD MCGRATH,
Attorney General.

[F. R. Doc. 51-11339; Filed, Sept. 19, 1951; 8:51 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter B—Estate and Gift Taxes

[T. D. 5857; Regulations 105]

PART 81—REGULATIONS RELATING TO ESTATE TAX

BEQUESTS, ETC., TO SURVIVING SPOUSE

Regulations 105 (26 CFR Part 81) are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding subparagraph (17) of § 81.47a (c), as added by Treasury Decision 5699, approved May 13, 1949, the following:

(16a) The provisions of section 812 (e) (1) (D) (relating to termination or failure of an interest in the event of the death of the surviving spouse within six months after the decedent's death or as a result of a common disaster which also causes the decedent's death) are

operative in the case of a transfer described in section 812 (e) (1) (F) so that the trust will not be disqualified by reason of the fact that the exercise of the power is subject to a condition of survivorship described in section 812 (e) (1) (D) if the terms of the condition, that is, the survivorship of the surviving spouse, are fulfilled. See paragraph (d) of § 81.47b.

PAR. 2. Section 81.47a (d), as added by Treasury Decision 5699, is amended by inserting immediately preceding the period at the end of the second sentence of subparagraph (6) thereof the following: "subject, however, to the operation of section 812 (e) (1) (D). See subparagraph (16a) of such paragraph (c)".

Because the purpose of this Treasury decision is merely to clarify certain provisions in existing regulations, and is not restrictive in its effect, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL] JOHN B. DUNLOP,
Commissioner of Internal Revenue.

Approved: September 14, 1951.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 51-11348; Filed, Sept. 19, 1951; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 56, Amdt. 5]

CPR 56—CERTAIN PROCESSED FRUITS AND BERRIES OF THE 1951 PACK

ADDITIONAL PRODUCTS COVERED AND MISCELLANEOUS CLARIFICATIONS AND CORRECTIONS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 5 to Ceiling Price Regulation 56, as amended, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 56 adds factors for cost increases other than sugar and raw materials for canned fruit cocktail, fruits for salad, clingstone peaches and California pears.

Under the formula method used in this regulation the ceiling price is computed by first determining a base price and then by adjusting that base price, as defined in the regulation, by an allowance for cost increases other than raw material costs and then by an allowance for changes in sugar and raw material costs since the base period. Accordingly, although all principal fruits and berries were included in the regulation, as originally issued, with respect to the computation of sugar and raw material adjustments, it was necessary to accumulate sufficient data to determine the appropriate allowances for other cost increases. By this amendment, such adjustment factors are provided for a number of additional canned fruits so that the ceiling prices for those fruits can be computed under the regulation as amended. The resulting ceiling prices for each of the new products will exceed generally the prices now prevailing or the prices prevailing during the period January 25, 1951–February 24, 1951.

The California fruit canning industry informally represented to the Office of Price Stabilization that base prices for canned fruit cocktail, clingstone peaches and California pears were abnormally depressed. They requested that any adjustment factors in Table I for these products reflect allowances for these base period maladjustments. In support of this contention they supplied data on prices and costs. These data were examined to determine the extent, if any, by which earnings of all types of canners were abnormally depressed in the base period relative to the average realized in 1946–49. These four years were selected since they covered the most recent period representative of normal competitive conditions for the industry. Accordingly, the adjustment factors added by this amendment to Table I of section 2 (b) for canned fruit cocktail, clingstone peaches, and California pears reflect appropriate allowances for differences between earnings on sales during the 1948 base period and those prevailing during the entire postwar period.

Under the existing regulation, some processors have not been able to determine ceiling prices because no sales were made during the base period. To enable such processors to use the provisions of the regulation, this amendment establishes a substitute base period consisting of the 60 days beginning with and including the first day in 1948 subsequent to the normal base period that the processor made a sale of any item of the product.

Section 2 (a) (3) has been amended to make it clear that if you figure one base price for a group of factories, you may use only one "base period" for each such group of factories. Similarly, section 2 (d) has been amended to make it clear that processors who determine one base price for such a group of factories shall figure their weighted average raw material costs on the basis of their raw material costs for all of the factories included in such group.

Section 2 (d) (2) has been amended to make it plain that processors shall use the simple average of their yields per ton. This necessity for using a simple average, rather than a weighted average, has previously been set forth in the reporting form for this regulation.

The permitted adjustments for raw material cost increases for pears and prunes (fresh) in Oregon and Washington and for freestone peaches in "All Other States" have been increased. These increases conform to a public statement previously issued by the Office of Price Stabilization. They were made because of substantial crop losses in the affected producing areas.

Section 2 (h) as originally issued was left blank with the notation that special pricing provisions for mixed fruits were to be added by amendment. Accordingly, this amendment provides the method to be followed in determining ceiling prices for fruit cocktail and other mixed fruits.

This amendment also includes a number of miscellaneous corrections and clarifications. The paragraph immediately preceding section 1 is amended so as to set forth the proper statement of authority. Section 19 (a) has been changed so as to clarify certain of the reporting provisions when a processor borrows prices. The definition of "item" in section 26 (b) has been expanded so as to conform to the definition of "item" in CPR 42.

The changes effected in CPR 56 by this amendment are, in large part, the result of informal suggestions of the industry affected. While formal consultations with representatives of the industry were not practicable, it is the judgment of the Director of Price Stabilization that these changes reflect generally the views of the industry.

AMENDATORY PROVISIONS

Ceiling Price Regulation 56 is amended in the following respects:

1. Section 1 (a) is amended by adding to the list of products covered the following:

Canned fruit cocktail.
Canned fruits for salad.
Canned clingstone peaches.

2. Section 2 (a) (1) is amended by adding immediately after the second sentence thereof the following sentence: "If you made no sales of any item of a product during the base period as defined in section 26, you shall use as a substitute base period the 60 days beginning with and including the first day in 1948 subsequent to the base period as defined in section 26 that you made a sale of any item of such product."

3. Section 2 (a) (3) is amended by adding immediately after the second sentence thereof, the following sentence: "You shall use only one 'base period' for each such group of factories. Such 'base period' shall begin with the first day of pack of any item of such product being priced at the factory in such group having the earliest pack."

4. Table I in section 2 (b) is amended by adding the following:

Product	Area		Adjustment factor
	No.	States included	
Canned pears	III	California	1.08
Canned fruit cocktail	I	All States	1.07
Canned fruits for salad (including canned fruit mixtures).	I	do	1.06
Canned clingstone peaches (No. 10 pie).	I	do	1.40
Canned clingstone peaches (all other items).	I	do	1.085

5. The first sentence of section 2 (d) is deleted and the following is substituted:

(d) Next, you shall determine your raw material adjustment in accordance with the procedure of this paragraph. If you have determined a base price for a group of factories under paragraph (a) (3) of this section, in making the raw material adjustments under this paragraph you shall figure your weighted average raw material costs per ton (or other unit of purchase) on the basis of raw material costs for all of the factories included in the group. * * *

6. The first sentence of section 2 (d) (2) is amended to read as follows:

(2) You then divide your average raw material cost adjustment per ton (or other unit of purchase) by the simple average of your yields per ton (or other unit of purchase) of the raw material for the years 1948, 1949 and 1950 (or such of these years during which you processed the product), reduced to dozen containers of the product, and adjusted for grade yield distribution according to your customary practice during such period. * * *

7. Table III in section 2 (d) is amended by changing the permitted adjustments in dollars per unit as follows:

Peaches, freestone—All other States from +16.31 to +46.61.

Pears—Oregon, Washington from −7.30 to +3.90.

Prunes (fresh)—Washington, Oregon from +28.00 to +31.00.

8. Section 2 (h) is amended to read as follows:

(h) *Special pricing provisions for mixed fruits, fruit cocktail, fruits for salad, mixed fruit or berry juices and mixed fruit or berry nectars.* If you process an item of mixed fruits, fruit cocktail, fruits for salad, mixed fruit or berry juices or mixed fruit or berry nectars, you shall figure your ceiling price as follows:

(1) Multiply your "base price" as determined under paragraph (a) of this section, by the appropriate figure named in Table I in paragraph (b) of this section, for the item you are pricing. The resulting figure is your "adjusted base price."

(2) Determine your adjustment for sugar cost increases under paragraph (c) of this section and add the result to your adjusted base price. The resulting figure is your "adjusted base price including adjustment for sugar cost increases."

(3) Determine the raw material adjustment by the following procedure:

(i) For each fresh fruit ingredient, such as peaches, pears and grapes, determine the difference between your 1948 "weighted average raw material cost" and, up to the time of the computation of your ceiling price for the item, your 1951 "weighted average raw material cost" per ton (or other unit of purchase), delivered or contracted to be delivered, at your factory in accordance with the provisions of paragraph (d) (1) of this section, and subject to the limitations of Table III. You then divide your average raw material cost adjustment per ton (or other unit of purchase), by your case yield per ton (or other unit of purchase) of raw material for the year 1948 for each separate ingredient of fresh fruit. The result is your raw material adjustment per case of finished product for each separate fresh fruit ingredient.

EXAMPLE: (24/2½ FRUIT COCKTAIL)

	Peaches	Pears	Grapes
Weighted average raw material cost:			
1951	$74.20	$91.50	$80.00
1948	63.10	118.00	60.00
Difference—increase (decrease)	11.10	(26.50)	20.00
1948 case yield per ton (24/2½ fruit cocktail)	82.0	78.0	450.0
Raw material adjustment per case of finished product (24/2½ fruit cocktail)	$0.135	($0.340)	$0.044

(ii) For each ingredient of processed fruit, such as canned apricots, cherries and pineapple, whether processed by you or purchased from other suppliers, determine the difference between your 1948 weighted average cost and your 1951 weighted average cost per case, per pound or other unit of production or acquisition for each such ingredient used. Your 1948 cost shall be the actual cost of production or purchase delivered at your plant and your 1951 cost shall be the cost (up to the time of the computation of your ceiling price for the item) produced, delivered, or contracted to be delivered, at your plant. In no event shall the 1951 cost of ingredients purchased exceed your supplier's ceiling price, delivered at your plant, at the time of computation of your material cost increase. If you yourself processed these ingredients and they are covered by this regulation, in computing your 1951 costs you shall be limited to the permitted adjustments of Table III in determining your cost of the processed ingredients and to the permitted increases of Table I applied to your 1948 costs in determining your costs other than sugar and raw material.

Divide the difference in cost of each ingredient obtained by the calculation in the preceding paragraph by the 1948 yield in cases of finished product (such as fruit cocktail), per case, pound, or other unit of production or acquisition. The result is the increase (or decrease) per case of finished product for each ingredient of processed fruit.

EXAMPLE: 24/2½ FRUIT COCKTAIL

	Canned cherries	Canned pineapple
Unit of purchase (case)	6/10	6/10
Weighted average cost:		
1951	$13.40	$5.75
1948	$12.50	$5.10
Difference—increase	$0.90	$0.65
1948 yield of 24/2½ fruit cocktail per case of cherries or pineapple (cases)	30	12
Permitted increase per case of 24/2½ fruit cocktail for ingredients of processed fruits, canned cherries and canned pineapple	$0.03	$0.05

(iii) You then obtain the sum of all the raw material adjustments per case of finished product under subdivision (i) of this subparagraph and the adjustment for ingredients of processed fruits, canned cherries and canned pineapple in subdivision (ii) of this subparagraph, reduce to dozens of containers of finished product and adjust for grade yield distribution according to your customary practice. The result of the computation in this subdivision is your upward or downward adjustment for raw material costs in dozens of containers of the item of mixed fruits, fruit cocktail, fruits for salad or mixed fruit juice or nectar.

(iv) *Your ceiling price.* If the final result of the calculations in subdivision (iii) of this subparagraph is an increase, you shall add the increase to your "adjusted base price including adjustment for sugar cost increases" as determined in accordance with subparagraphs (1) and (2) of this paragraph. If the final result of the calculations in subdivision (iii) of this subparagraph is a decrease, you shall subtract the decrease from your "adjusted base price including adjustment for sugar cost increases" as determined in accordance with subparagraphs (1) and (2) of this paragraph.

The result is your ceiling price f. o. b. factory per dozens of containers for the item of mixed fruits, fruit cocktail and fruits for salad, or mixed fruit juices or nectars.

9. Section 19 (a) is amended by adding the following sentence after the first sentence thereof: "If you determine your ceiling price for an item under section 6 (a) of this regulation you shall furnish the names and addresses of the processors from whom you borrowed ceiling prices, together with the ceiling prices borrowed."

10. Section 26 (d) is amended by adding to the end thereof the following sentence: "Brand names shall not in themselves constitute separate items."

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date: This amendment is effective September 24, 1951, or such earlier date as you may select. If you select such earlier date, this amendment becomes effective as to you upon that date for all products added by this amendment.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 19, 1951.

[F. R. Doc. 51-11421; Filed, Sept. 19, 1951; 11:19 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 16, Revocation]

GCPR, SR 16—ADJUSTMENT OF CEILING PRICES FOR FLUID MILK AND CREAM IN AREAS UNDER JURISDICTION OF STATE MILK CONTROL AGENCIES

Supplementary Regulation 16 to the General Ceiling Price Regulation enables some state milk control agencies to petition for adjustments of ceiling prices established pursuant to the General Ceiling Price Regulation. The Office of

Price Stabilization is issuing, simultaneously with this revocation, Supplementary Regulation 63 which will enable such agencies as well as all processors and distributors to petition for adjustment of ceiling prices, and the same standards will be applicable to all such petitions. Therefore, there is no need to continue Supplementary Regulation 16.

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), Supplementary Regulation 16 to the General Ceiling Price Regulation is hereby revoked: *Provided*, That every order previously issued thereunder remains in effect until an area milk price regulation is issued pursuant to Supplementary Regulation 63 adjusting ceiling prices on the milk products affected by such order: *Provided further*, That the Office of Price Stabilization may, in its discretion, take action pursuant to Supplementary Regulation 16 on applications received prior to the date of issuance of this revocation. This revocation is effective September 24, 1951.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 19, 1951.

[F. R. Doc. 51-11423; Filed, Sept. 19, 1951; 11:19 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 63]

GCPR, SR 63—AREA MILK PRICE ADJUSTMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Supplementary Regulation 63 to the General Ceiling Price Regulation (16 F. R. 5424) is hereby issued.

STATEMENT OF CONSIDERATIONS

The General Ceiling Price Regulation issued on January 26, 1951, pointed out that the general freeze which it imposed on prices at all levels of production and distribution was an emergency measure made imperative by the urgency of bringing the inflationary spiral to a halt. It was intended to be a means of holding prices on a broad front until specific regulations for individual industries could be formulated and issued. This supplementary regulation to the General Ceiling Price Regulation establishes a method whereby area milk price regulations may be issued adjusting ceiling prices for fluid milk products in individual milk marketing areas.

The dairy industry is among the first six industries in importance to the nation's economy. A substantial segment of the industry is represented by more than 4,500,000 farmers located throughout the United States owning milk cows. These dairy farmers during the month of May 1951 made available for consumption 11,856,000,000 pounds of milk. Equally important in the industry are thousands of processors and distributors. Of the total quantity of milk produced, approximately 66 percent is consumed as fluid milk, cream, and milk products; it is sold to the consumer in grocery stores, dairy stores, or from wholesale and retail route delivery trucks of the processors and distributors.

The perishability of the product and the local nature of milk production and consumption have established an area pattern of marketing, which areas are frequently referred to as "milk marketing areas". This area character of milk production and consumption has necessarily established regulation of the industry on a geographical basis, both from the viewpoint of health regulations and economic regulations affecting the production and marketing of milk. The Office of Price Administration, in the period from 1942 to 1946, adopted the area approach in administering price control. The Department of Agriculture, under the Agricultural Marketing Agreement Act of 1937, as amended, uses the area pattern for the purpose of establishing minimum prices to dairy farmers, and there are now in effect Federal marketing agreements, licenses, or orders for approximately forty marketing areas in the United States. State milk control agencies also use the marketing area approach.

Supplementary Regulation 16, which contains a procedure for adjustment of ceiling prices upon petition of some state milk control agencies, is being revoked. Until an area milk price regulation is issued for a particular area under this supplementary regulation, processors and distributors will retain their ceiling prices for milk, cream, and milk products for fluid consumption pursuant to the General Ceiling Price Regulation, modified only by permissive pass-throughs for increased prices paid for milk or other agricultural commodities.

Retail stores are not covered by this supplementary regulation. Fixing of ceiling prices for such stores requires techniques different from those provided by this supplementary regulation. Retail stores will remain under the General Ceiling Price Regulation, which means that, under section 11 (c) thereof, they may adjust their ceiling prices for fluid milk products by the amount of any price increase charged to them by their suppliers, whether or not due to parity adjustments. However, future amendments to this supplementary regulation may add provisions relating to ceiling prices for milk products sold from retail stores.

Since there are hundreds of marketing areas of varying sizes with peculiar local problems, area milk price regulations under this supplementary regulation will be issued by the District and Regional Directors of the Office of Price Stabilization. Petitions for the issuance of such regulations will be acted upon as quickly as possible.

Area milk price regulations will provide either uniform dollar-and-cent ceiling prices or uniform adjustments of GCPR ceiling prices in a particular marketing area. Such regulations may be issued by the Office of Price Stabilization upon its own initiative or upon the basis of petitions submitted by processors or distributors or state milk control agencies. In general, adjusted ceiling prices will be determined by taking the prices in effect during the period January 1 to June 30, 1950, and by adding increases and deducting decreases in costs per sales point of (1) direct labor (including distribution labor and commissions); (2) containers, cans, and cases; and (3) raw milk and other agricultural commodities or products thereof. Other criteria will be considered when relevant. An alternative six months' pre-Korean period may be adopted as a base period, if a petition establishes that the January 1 to June 30, 1950, period was unrepresentative.

Section 8 of this supplementary regulation contains certain provisions which relate to the computation of the parity pass-through and which in general follow the pattern of section 11 of the General Ceiling Price Regulation. It is provided, however, that each particular area regulation will contain a statement of milk costs, and price increases occasioned by increasing costs of milk will be computed on the basis of the dollar-and-cent difference between current costs and the stated costs. The section also requires that prices must decrease when the cost of milk decreases. While such a provision is administratively impractical in a general regulation such as the General Ceiling Price Regulation dealing with a multitude of industries with different purchasing and cost patterns, in a particular industry such as milk it is practical and desirable under the method of establishing ceiling prices which is here contemplated.

In the judgment of the Director of Price Stabilization the provisions of this Supplementary Regulation 63 to the General Ceiling Price Regulation are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

The Director of Price Stabilization gave due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended; to prices prevailing during the period from May 24, 1950, to June 24, 1950, inclusive; and to all relevant factors of general applicability.

The Director has consulted the industry to the extent practicable and has given due consideration to its recommendations.

REGULATORY PROVISIONS

Sec.

1. What this supplementary regulation does.
2. Where this supplementary regulation applies.
3. Sellers and sales covered by this supplementary regulation.
4. Applications for area price adjustments.
5. Alternative base period.
6. Criteria to be applied in adjusting ceiling prices.
7. Action to be taken by the Office of Price Stabilization.
8. Parity adjustments and rounding of fractions.
9. Milk products not covered by area milk price regulations.

Sec.
10. Records.
11. Definitions.
12. Charges lower than ceiling prices.
13. Sales slips and receipts.
14. Petitions for amendment.
15. Evasion.
16. Penalties.
17. Delegation of authority.

AUTHORITY: Sections 1 to 17 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *What this supplementary regulation does.* This supplementary regulation provides a method for establishing and adjusting ceiling prices of milk products for fluid consumption (as defined in section 11), hereinafter referred to as milk products, for individual marketing areas by the issuance of area milk price regulations applicable to individual milk marketing areas. Each seller subject to this supplementary regulation shall remain under the General Ceiling Price Regulation for each milk product until an area milk price regulation is issued fixing ceiling prices for the milk product in his marketing area. Supplementary Regulation 16 to the General Ceiling Price Regulation is being revoked, but orders issued thereunder remain in effect until an applicable area milk price regulation becomes effective.

SEC. 2. *Where this supplementary regulation applies.* The provisions of this supplementary regulation are applicable to the United States, its Territories and possessions, and the District of Columbia.

SEC. 3. *Sellers and sales covered by this supplementary regulation.* This supplementary regulation covers sales of milk products by processors, distributors, and operators of receiving plants. A processor is any person who pasteurizes, blends, treats, compounds, manufactures, or packages milk products for fluid consumption. A processor may also be a distributor. A distributor is a person who buys packaged milk products in the same form in which he sells them and, for the purposes of this supplementary regulation, excludes the operator of a retail store. A receiving plant receives bulk milk from dairy farmers, cools, and assembles it for sale in bulk to a processor for ultimate consumption as milk products in a marketing area.

SEC. 4. *Applications for area price adjustments*—(a) *How you file.* If you are a processor or distributor of milk products, you may petition the Office of Price Stabilization for the adjustment of ceiling prices in a particular marketing area. You file your petition with the District Office of the Office of Price Stabilization if the entire marketing area or the major part thereof is within the jurisdiction of such office. If there is no district of the Office of Price Stabilization which includes the entire marketing area or the major part thereof, you file your petition with the Regional Office in the region of the Office of Price Stabilization having jurisdiction over the largest city in the marketing area. Your petition must include the required information for all your sales outlets in the marketing area, either separately or on a consolidated basis. Joint petitions may be filed by any processors or distributors in the marketing area. Such petitions may also be filed on behalf of any of the processors or distributors in the milk marketing area by any state milk control agency which establishes minimum resale prices for milk products in that area. However, information required by (b) (5) to (9) of this section, inclusive, shall be supplied separately for each processor or distributor covered by the petition. If the information required under (b) (5), (b) (8), or (b) (9) of this section is identical for all petitioners, it need not be submitted separately. Persons who operate receiving plants may also petition and furnish such information listed in (b) of this section as is applicable to their operations.

(b) *Contents of petition.* The petition shall be filed in duplicate and shall contain the following information:

(1) The name and address of petitioner, and if a joint petition or a petition by a state milk control agency, the name and address of each processor and distributor covered by the petition.

(2) A description of the marketing area for which the petitioner requests the adjustment of ceiling prices. If this marketing area is not established under a Federal order or by a state milk control agency, you may describe your marketing area on the basis of past and present marketing patterns, clearly indicating the boundaries and the justification for your proposed marketing area.

(3) To the extent that you do not buy or sell subject to a marketing agreement, license, or order for a marketing area under the Agricultural Marketing Agreement Act of 1937, as amended, or a state milk control law, submit a complete description of any buying plan in which you participate.

(4) An explanation of why the ceiling prices under the General Ceiling Price Regulation should not be continued and why new ceiling prices should be established.

(5) Monthly average prices paid the dairy farmers and others, and applicable butterfat and other differentials, beginning with the first month of the base period (as defined in section 11) to date, for (i) each applicable classification price of milk and (ii) the uniform or blend prices to dairy farmers. Handling charges incurred in buying milk from an operator of a receiving plant shall be stated separately. If the price or handling charge changed during the month, obtain a weighted average for the month.

(6) The following costs applicable to milk products during the base period and for the most recent month for which information is available, hereinafter referred to as the "current period." (i) Direct labor (including distribution labor and commissions); and (ii) containers, cans, and cases. If lawful increases in labor costs have been contracted for pursuant to any collective bargaining agreement, the terms of which are not yet in effect at the time the petition is filed, you may furnish information on the basis of which this labor cost may be projected into the future. (No increase, however, of a ceiling price based upon projected labor cost will be made effective prior to the effective date of such labor cost increase.) The information pertaining to the costs enumerated under this paragraph 6 should be submitted on Office of Price Stabilization Public Form No. Pub. 81. If the current period is not representative because of strikes, price wars, floods, or other unusual occurrences, make your calculations on the basis of a more representative current period and state the reasons why and the extent to which the most recent period is not representative.

(7) Milk product sales by fluid milk, cream, cheese, or other major classifications exclusive of sales to other processors, expressed in product pounds and sales points for the base period and the current period.

(8) (i) A schedule of selling prices of all items of milk products effective January 1, 1950, and each new schedule put into effect prior to July 1, 1950.

(ii) Ceiling price for each item established originally pursuant to the General Ceiling Price Regulation.

(iii) The monthly average ceiling price (or selling price if lower) for each item for the current period.

(iv) If a base period other than January to June 1950 is approved by the Office of Price Stabilization pursuant to section 5, prices during such other base period, according to (i) above.

(9) A statement of the requested ceiling price for each item as defined in section 11 of this supplementary regulation.

(10) If you petition for an alternative base period in accordance with section 5 of this supplementary regulation, the Office of Price Stabilization will require the submission on the basis of representative samples, of condensed annual earnings statements for the years 1946 through 1950, both inclusive, if the processors and distributors covered by the petitions were in operation for such period; and condensed quarterly earnings statements for each quarter since January 1, 1951. These statements will be obtained on an overall company basis and separately for operations in fluid milk products in accordance with this regulation. These statements shall be furnished on Office of Price Stabilization Public Form No. Pub. 82. The Office of Price Stabilization will select a representative sample so as to obtain information on earnings of small, medium, and large processors and distributors in the marketing area involved. Balance sheets on Office of Price Stabilization Public Form No. Pub. 83 will also be required. Copies of these forms as well as the form mentioned under (6) hereinabove can be obtained in any office of the Office of Price Stabilization.

(11) *Certification.* If you file a separate petition you shall attach the following certification signed by you or by your authorized representative: "I certify that the information furnished herein is true and accurate to the best of my knowledge and belief." Where joint petitions are filed, the information required by section 4 (b) (5) through (9) shall be certified by each individual

covered by the petition in the form indicated above. However, the information contained in section 4 (b) (1) through (4) may be certified by the representative of the joint petitioners or by a state milk control agency in the following form: "I certify that the information furnished herein which pertains to the business of others or to the marketing area generally is based on reliable data and I believe such information to be true and accurate."

SEC. 5. *Alternative base period.* If, for a particular marketing area, the base period as defined in section 11 (a) of this supplementary regulation is not representative of normal operations in that area because of strikes, price wars, floods, or other unusual occurrences, you may petition the District or Regional Office of the Office of Price Stabilization, as specified in section 4 (a) of this supplementary regulation, for permission to use an alternative six months base period. Your petition shall be certified in accordance with section 4 (b) (11) and shall include the following:

(a) The information contained in section 4 (b) (1) through (4), and, in addition, the approximate number of processors and distributors in the area; the proposed dividing lines between small, medium, and large processors and distributors, depending on the annual volume of business; a reasonably complete list of processors and distributors doing business in the marketing area, classified as small, medium, and large, to enable the Office of Price Stabilization to obtain earnings information in accordance with paragraph (10) of section 4 (b).

(b) A complete statement of the unusual occurrences which make the base period unrepresentative of your normal operations and an analysis showing the effect of the unusual occurrences during the base period on prices, costs, and volume of sales.

(c) A statement of what alternative six months base period prior to June 30, 1950, is representative of your operations, and the reasons why.

You need not file the information set forth in section 4 (b) (5) to (9) until you have been informed by the Office of Price Stabilization of the base period to be used.

SEC. 6. *Criteria to be applied in adjusting ceiling prices.* In determining whether an area milk price regulation should be issued, and in adjusting ceiling prices, the following criteria will be used.

(a) The historical marketing pattern determining the precise marketing area where ceiling prices should be adjusted simultaneously.

(b) The base period prices plus the cost increases, or less the cost decreases, per sales point from the base period to the current period for the costs specified in section 4 (b) (6) of this supplementary regulation, the costs of agricultural commodities including raw milk or products processed therefrom which are ingredients of milk products, up to parity or the other legal minima as determined by the Secretary of Agriculture, and handling charges as specified in section 4 (b) (5).

(c) A fair and equitable margin for processors and distributors in accordance with the Defense Production Act of 1950, as amended.

SEC. 7. *Action to be taken by the Office of Price Stabilization.*—(a) *When the Office of Price Stabilization will act.* The Office of Price Stabilization will issue area milk price regulations fixing ceiling prices for milk products for a particular marketing area, upon petition or on its own initiative, when in its judgment, after verification if deemed desirable, it has accurate and adequate information from a representative portion of the processors and distributors in the area, and this information indicates that an area regulation would be appropriate under the criteria set forth in section 6 of this supplementary regulation.

(b) *Orders for additional information.* If the Office of Price Stabilization does not consider that the petitions received are representative or contain accurate and adequate information, or if it determines to fix ceiling prices on its own initiative, the Office of Price Stabilization may order such information as is necessary under the provisions of this supplementary regulation from any processor, distributor, or operator of a receiving plant.

(c) *Basic provisions of area milk price regulations.* An area milk price regulation adjusting ceiling prices for a marketing area will contain ceiling prices for certain items of milk products, stating the specified producer price for raw milk upon which these prices are based and the price differentials between these and other items, including the differentials based on size, types of containers, and classes of purchasers in the marketing area. The regulation may provide for specific dollars-and-cents ceiling prices for the area or may authorize a uniform adjustment of GCPR base period prices of the individual processors and distributors. Where a regulation authorizes a uniform adjustment of GCPR base period prices, the processors and distributors shall report the ceiling prices for all items computed pursuant to the regulation, by registered mail, within five days after the effective date of the regulation, to the District or Regional Office of the Office of Price Stabilization which issued the regulation. The Office of Price Stabilization may at any time modify the prices so computed.

SEC. 8. *Parity adjustments and rounding of fractions.*—(a) *Parity adjustments of ceiling prices.*—(1) *Processors and operators of receiving plants.* The provisions under this section 8 (a) (1) apply to you only if (i) you are a processor of a milk product for fluid consumption or an operator of a receiving plant, and (ii) the producer price you have incurred for a current customary purchase of milk differs from the producer price specified in an area milk price regulation applicable to your operations.

You may increase your ceiling prices established in an area milk price regulation for each item of a milk product by the equivalent per unit of the dollars-and-cents amount by which the producer price incurred for your most recent customary purchase exceeds the producer price specified in such regulation. You must immediately reduce your ceiling prices established in the regulation for each milk product by the equivalent per unit of the dollars-and-cents amount by which the producer price specified in the regulation exceeds the producer price incurred for your most recent customary purchase. The price shall be deemed to have been incurred upon the date of an announcement of a change in price made by the market administrator under a Federal order if the change is retroactive; in all other cases of changes announced by such market administrator, upon the effective date of such changes; upon the effective date of a change in price made by a state milk control agency; or upon the effective date of a change in price announced to the dairy farmer by the processor or the operator of a receiving plant.

Example: You are a processor of fluid milk in quart containers. The specified producer price in the area price regulation is $4.70 per hundredweight and the producer price is later decreased to $4.50 per hundredweight. On the basis of 46½ quarts of milk bottled from 100 pounds of milk, you must decrease your ceiling price as determined under your area milk price regulation by 0.43 cent per quart. However, this price adjustment is also subject to "rounding" off pursuant to the provisions of paragraph 8 (b) of this section.

A producer-processor or a producer-owned cooperative processor who does not customarily purchase milk from independent producers shall use as the "producer price" paid for his most recent customary purchase the producer price (with adjustment for differences in delivery costs) paid for a customary purchase by his nearest competitor. The competitor must be one who receives delivery of the same quality of the commodity at firm prices for processing.

Adjustments in ceiling prices of milk products based on changes in prices of agricultural commodities other than milk may be made in a way similar to the adjustments based on changes in the producer prices of milk. Increases in ceiling prices under this section 8 (a) (1) may be made only on the basis of increases in producer prices up to parity or other legal minima prescribed by the Defense Production Act of 1950, as amended.

Upward adjustments pursuant to this section 8 (a) (1) may not be made before the processor or the operator of a receiving plant deposits in the mail a registered letter to the District or Regional Office of the Office of Price Stabilization which issued the area price regulation notifying such office of the increased price. A state milk control agency which establishes minimum resale prices may send such a notice with the same effect as if all the processors within its marketing area had sent the notice.

(2) *Distributors.* This paragraph (2) applies to you only if (i) you are a distributor of an item of a milk product, (ii) the cost to you of a current customary purchase of the milk item differs from the highest ceiling price, applicable to sales to you from a customary source of supply, specified in an

area milk price regulation, and (iii) the change in the cost to you is due to the operation of the provisions in section 8 (a) (1). In such case, on the first day following the effective change in your cost, you may increase and you must decrease your ceiling prices established in the area regulation by the dollars-and-cents difference per item in these costs.

(b) *Rounding of fractions.* (1) If in computing an adjusted ceiling price you arrive at a unit price which involves a fraction of a cent, you may increase and must decrease it in accordance with the following tables:

TABLE A—MILK AND MILK PRODUCTS (EXCLUDING CREAM)

Increase or decrease in producer price (cents per quart)	*Increase or decrease in ceiling price (cents per quart)*
0.0–0.250	0
0.251–0.750	½
0.751 and over	1

TABLE B—CREAM

Increase or decrease in producer price (cents per ½ pint)	*Increase or decrease in ceiling price (cents per ½ pint)*
0.0–0.250	0
0.251–0.750	½
0.751 and over	1

(2) For the purpose of rounding fractions, you shall calculate your parity adjustment from the producer price specified in the area price regulation applicable to your marketing area. For example, the regulation provides for a ceiling price of 22 cents per quart, with a specified producer price of $5 per hundredweight. The producer price is increased 20 cents per hundredweight which is 0.43 cent per quart. Pursuant to Table A, this increase in producer price permits an increase of ½ cent in the ceiling price so that the ceiling price will be 22½ cents per quart. Subsequently, there may be another producer price increase of 35 cents per hundredweight. This increase is to be added to the previous increase of 20 cents, resulting in a total of 55 cents per hundredweight which is 1.182 cents per quart. This figure is rounded to one cent, making your new ceiling price 23 cents per quart. Similarly, by way of another example, the producer price specified in the area price regulation was $5 per hundredweight, corresponding to a price of 21 cents per quart of milk delivered to homes. Subsequently, the producer price was increased to $5.50 per hundredweight, and correspondingly the ceiling price per quart of milk was increased to 22 cents. Thereafter, the producer price was reduced to $5.20. In order to determine the proper ceiling price, the difference shall be computed between the producer price specified in the area price regulation which was $5, and the reduced producer price of $5.20. This difference is 20 cents. On the basis of this difference, the ceiling price will be one-half cent higher than in the area price regulation, that is 21½ cents per quart.

(3) Ceiling prices for container sizes smaller or larger than those provided above for milk products may be increased but shall be decreased in direct proportion to the adjustments specified in Tables A and B of this section. Rounding of fractions for cheese shall be made in the same manner as for milk and cream, starting with a 16-ounce package.

(4) You shall send notices of increases or decreases due to parity adjustments pursuant to this section, in accordance with the reporting requirements of section 11 (f) and (g) of the General Ceiling Price Regulation, to the office of the Office of Price Stabilization which issued an area price regulation applicable to the particular milk products. In the absence of such regulation, you shall continue sending the notices required by said section 11 (f) and (g) to the Director of Price Stabilization, Washington 25, D. C.

(c) *Conditions of sale.* Area milk price regulations may contain provisions as to terms and conditions of sale, including provisions about bottle deposits in accordance with General Interpretation 2, dated August 2, 1951.

SEC. 9. *Milk products not covered by area milk price regulations.* If a processor or distributor does not have a ceiling price for a milk product under the General Ceiling Price Regulation and that milk product is not covered under an area milk price regulation, he may apply to the appropriate office of the Office of Price Stabilization, as specified in section 4 (a) of this supplementary regulation, for the establishment of a ceiling price in accordance with section 7 of the General Ceiling Price Regulation.

SEC. 10. *Records.* (a) With respect to milk products covered by an area price regulation adjusting ceiling prices for your marketing area, the provisions of section 16 of the General Ceiling Price Regulation are hereby continued in effect, insofar as they apply to the preparation and preservation of "base period records" and such "current records" as were required to be made with reference to sales between January 26, 1951, and the effective date of the area price regulation.

(b) You shall prepare and preserve for the life of the Defense Production Act of 1950, as amended, and for two years thereafter and keep available for examination by the Office of Price Stabilization all records showing prices and material and labor costs in the base period (as defined in section 11); records showing cost, prices, and sales for the other applicable periods and dates referred to in this supplementary regulation; and records necessary to determine whether you have computed your ceiling prices correctly. The records to be preserved under this paragraph must include appropriate work sheets. The work sheets may be in any convenient form so long as they include all data and calculations required to determine your ceiling prices.

(c) If you sell milk products covered by an area milk price regulation, you must prepare and keep available for examination by the Office of Price Stabilization for a period of two years, records of the kind which you customarily keep showing the prices which you charge for such products.

SEC. 11. *Definitions*—(a) *Base period.* The base period is January 1 to June 30, 1950, inclusive.

(b) *Buying plan.* A buying plan is an arrangement for purchasing raw milk and includes price and other terms and conditions of sale.

(c) *Item.* An item is each grade and each container size and type of each milk product listed in paragraph (e) of this section, by class of purchaser.

(d) *Marketing area.* This term means the geographical area described in any marketing agreement, license, or order issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, or in an order issued by any state milk control agency, or such area as may be determined by the Office of Price Stabilization.

(e) *Milk products for fluid consumption.* This term means standard milk; homogenized milk; vitamin and mineral fortified milk; high fat milks; milks of special curd tensions and other milks with special dietary qualities and properties; buttermilk; chocolate milk; skim milk, plain; skim milk, vitamin or mineral fortified; skim milk drinks such as chocolate drink; half and half; cream of various percentages of butterfat, including sour cream; cottage, pot and bakers cheese; butter cream, filled cream, cream mixed with other ingredients or gases used as whipping cream, and other specialized fluid cream products; and any other milk or cream variation sold whether such products are to be sold at retail or wholesale, and regardless of whether such products are to be sold in glass, paper, or other type of containers, or in bulk. It is not intended, however, for this definition to include milk, cream, skim milk or whey when such products are exempt from the General Ceiling Price Regulation or to include ice cream or ice cream mix, canned, evaporated or condensed milk, milk powder, butter or other manufactured products not used for fluid consumption. Neither is it intended to include sales of concentrated frozen fresh milk sold by wholesalers, such sales being governed by Ceiling Price Regulation 14. This regulation applies only to milk, and products therefrom, produced by cows.

(f) *Person.* This term includes any individual, corporation or a division or other unit thereof, conducting business within the marketing area, partnership, association or any other organized group of persons, or legal successors or representatives of the foregoing, and the United States or any other government or their political subdivisions or agencies.

(g) *Sales outlet.* A sales outlet means a separate business establishment from which you distribute a milk product.

(h) *Sales point.* A quart of milk product sold (except cream, half and half, and cheese) is equal to one sales point; sales points for all other sizes of containers are related to the quart unit in direct proportion to the size of the container sold. In the case of cream (of all kinds), a one-half pint sold is equal to one sales point; sales points for all other sizes of containers are related to the one-half pint unit in direct proportion to the size of the container sold. A pint of half-and-half containing 12 percent fat and less fat than cream shall be considered one sales point. A 16-ounce package of cheese is equal to one sales

point, and all other size containers shall be calculated in direct proportion thereto. Milk products sold to other processors shall not be used in determining sales points. If the evidence establishes to the satisfaction of the Office of Price Stabilization that in a particular marketing area a different system of sales points has continuously and consistently been in use since the beginning of the base period, that system of sales points may be employed.

(i) *You.* The pronoun "you" as used in this supplementary regulation indicates the person subject thereto.

SEC. 12. *Charges lower than ceiling prices.* Lower prices than those established under this regulation may be charged, demanded, paid, or offered.

SEC. 13. *Sales slips and receipts.* Any seller who has customarily given a purchaser a sales slip, receipt, or similar evidence of purchase shall continue to do so. Upon request from a purchaser any seller, regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the name of each commodity or service sold, and the price received for it.

SEC. 14. *Petitions for amendment.* Any protest, petition for amendment of this supplementary regulation or an amendment thereto, or petition for interpretation of this supplementary regulation or an amendment thereto may be filed in accordance with the provisions of the Price Procedural Regulation 1, Revised.

SEC. 15. *Evasion.* Any practice which results in obtaining indirectly a higher price than is permitted by an area milk price regulation is a violation of such regulation. Such practices include, but are not limited to, devices making use of commissions, services, cross sales, transportation arrangements, premiums, discounts, special privileges, tie-in agreements, and trade understandings.

SEC. 16. *Penalties.* Persons violating any provisions of this supplementary regulation or an area milk price regulation are subject to the criminal penalties, civil enforcement actions, and suits for damages provided for by the Defense Production Act of 1950, as amended.

SEC. 17. *Delegation of authority.* Authority is hereby delegated to each District Director of the Office of Price Stabilization to issue an area milk price regulation adjusting ceiling prices in accordance with the provisions of this supplementary regulation in a milk marketing area when the entire area or the major part thereof is located in his district. If the entire area or the major part thereof is not located in any one district, this authority is delegated to the Regional Director of the Office of Price Stabilization for the region having jurisdiction over the largest city in the marketing area. This delegation includes authority to perform all the other functions of the Office of Price Stabilization provided for in this supplementary regulation.

Effective date. This supplementary regulation to the General Ceiling Price Regulation is effective September 24, 1951.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 19, 1951.

[F. R. Doc. 51-11424; Filed, Sept. 19, 1951; 11:20 a. m.]

[General Overriding Regulation 14, Amdt. 2]

GOR 14—EXCEPTED SERVICES

ADDITIONAL EXCEPTED SERVICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to General Overriding Regulation 14 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment exempts from all ceiling price regulations imposed by the Office of Price Stabilization, certain services which have minor significance and slight effect upon the cost of living, or services which cannot be practicably controlled.

Among such services are custom house brokers and foreign freight forwarders. The diversified nature of these non-retail services and the fact that payments therefor are often made outside the United States are such as to make impracticable their control under ceiling price regulations.

Also exempt are services supplied directly by any Federal, State or municipal government or any of their agencies, or political subdivisions, except services supplied in connection with terminals, docks, or warehousing facilities. Services performed by these governmental units usually involve an exercise of governmental powers on behalf of the public or powers which are essential to or inherent in governmental stability. The exemption, however, is limited to services rendered solely and directly by a government or by its governmental agencies, and does not extend to services rendered on behalf thereof by non-governmental agencies, such as subcontractors, lessees, licensees or concessionaires. Nor does the exemption apply to sales of commodities or services incidental or related to sales of commodities, even though such services are rendered directly by any such government or governmental agency.

Advertising agency services and services rendered by managers for actors, actresses, and athletes and by labor relations counsellors involve the interaction of many factors, such as varying marketing conditions and demands, time element, individual fee negotiations and with respect to advertising agencies special talent and subject matter incident thereto, which render such services not practicably amenable to regulation.

Claims adjusters, regardless of whether they do or do not work upon claims related to insurance as such, are performing services which are quasi-professional in nature and which have slight effect upon the cost of living. For these reasons an exception for services rendered by claims adjusters is deemed to be appropriate.

Rates and fees charged by real estate brokers, agents and appraisers, and those charged by mortgage brokers and mortgagees in connection with the negotiation, placement and securing of mortgages, are being exempt from price stabilization principally because the services rendered are varied and complex in nature and continuance of control would impose an administrative burden out of proportion to the benefits to be gained.

Consideration has been given to the exemption of the royalties and other charges for all patents, trademarks and copyrights because of their individuality and the diversified and complex nature of the agreements to which their use is subject. There is, however, despite the difficulties inherent in subjecting patents, trademarks and copyrights to price stabilization, the danger that royalties and other charges which are a part of the charge for the use or sale of a product if left uncontrolled would cause a rise in prices of such a product. As a consequence, the exemption from price control of royalties and other charges for the use or sale of patents, trademarks and copyrights does not apply to those royalties and other charges which are incidental to the sale or lease of a commodity by the grantor or an affiliate of the grantor of the patent right.

This amendment also exempts club dues and assessments of clubs, organized and operated exclusively for social, recreation and other non-profit purposes (unless such non-profit purposes are combined with a business or trade purpose), where no part of the earnings inures to the benefit of any private shareholder and where such dues and assessments do not constitute a payment for specific services rendered. However, dues and assessments of clubs organized for business or trade purposes or of clubs which combine such business or trade purposes with non-profit purposes, or for which specific services are rendered, are and will continue to be subject to regulation.

Maritime pilotage services supplied to ships and vessels and services rendered by justices of the peace, newsboys, notaries public and process servers, together with those rendered in connection with the detection of flaws in rails by detector cars, fall into the category of services which have minor significance and slight effect upon the cost of living. Into this category also fall ticker and tree surgery services.

This amendment adds wrecking services to the list of services exempt from price control. The services affected are those in which a "wrecker" undertakes to remove a building or other structure on behalf of the owner in return for the possession of the materials or equipment salvaged in the operation and, in some

cases, for an additional monetary consideration. A "wrecker" is engaged in a highly specialized trade distinguished from demolition and razing where the sole object of the services is to clear a site and no consideration is given to any salvable materials. Wrecking services may involve payment to the owner when the value of the salvaged materials and equipment is in excess of the cost of the services rendered. Site clearance preparatory to and a part of a new construction project is not exempted by this amendment; nor is the sale of the materials or equipment recovered by the wrecker, his agent, or any other person.

Wrecking falls within the third group of services mentioned in the Statement of Considerations for General Overriding Regulation 14—Excepted Services—as one of those services which cannot practically be controlled. The considerations expressed in General Overriding Regulation 14 with respect to this third group are equally applicable to wrecking services.

Due to increased costs of doing business many consignee distributors of petroleum products have petitioned their principals for an increase in commissions. Distance of hauling the product seems to be a serious item of complaint on the part of the consignee distributors in that the cost of delivering the product in many cases exceeds the amount of the commission. Under the applicable petroleum regulations, prices for sales to consumers are established and are unaffected by changes in commission rates which may be negotiated between suppliers and their consignee distributors. In conferences with representatives of the industry, the Director of Price Stabilization has been advised that any increase in the commission rates negotiated by consignee distributors of petroleum products and their suppliers will not necessitate any increase in ceiling prices to consumers.

There is added by this amendment an exemption for services performed by barbers and beauticians. This has been done in order to conform ceiling price regulations to section 104 (g) of the Defense Production Act Amendments of 1951 which adds to subsection (e) of section 402 of the Defense Production Act of 1950 a new paragraph "(vii)" which reads in part "Prices charged * * * for services performed by barbers and beauticians."

This amendment also clarifies section 3 (a) (32) by expressly stating that watch and clock repair services are not exempt from price control.

This amendment to the original list of exemptions provided in General Overriding Regulation 14 was prepared after the Director of Price Stabilization had further consulted with industry representatives in various fields, including trade association representatives, and had given consideration to their recommendations.

AMENDATORY PROVISIONS

General Overriding Regulation 14 is amended in the following respects:

1. Paragraph (a) of section 3 is amended by adding after "occupations" the words "or categories."

2. Subparagraph (32) of paragraph (a) of section 3 is amended by adding at the end thereof the following: "This exemption does not extend to the repair of watches and clocks."

3. Paragraph (a) of section 3 is amended by adding subparagraphs (69) to (90) so that ceiling price regulations shall not apply to the services which fall within the scope of the occupations or categories listed below:

(69) Advertising agencies.

(70) Barbers and beauticians.

(71) Claims adjusters.

(72) Dues and assessments of clubs and associations, organized and operated exclusively for social, recreation and other non-profit purposes (unless such purposes are combined with a business or trade purpose) no part of the earnings of which inures to the benefit of any private shareholder, except when such dues and assessments are in whole or in part charged for the rendering of a specific service or services. Dues and assessments of clubs and associations having a business or trade purpose (as for example, automobile clubs) even though they could otherwise qualify for an exemption under this paragraph are not included within this exemption.

(73) Custom house brokers and foreign freight forwarders.

(74) Detection of flaws in rails by detector cars.

(75) Justices of the peace.

(76) Labor relations counsellors.

(77) Managers of actors, actresses and athletes.

(78) Maritime pilotage services supplied to ships and vessels.

(79) Services rendered by mortgage brokers or mortgagees in connection with the negotiation, placement and securing of mortgages.

(80) Newspaper carrier hand delivery services.

(81) Notaries public.

(82) Process servers.

(83) Public relations counsellors.

(84) Real estate brokers, agents and appraisers.

(85) The grant of any right under a patent, trademark or copyright. This exception does not apply to a rate, fee or charge expressly paid or made for such a grant if that grant is incident to or an integral part of a sale or lease by the grantor or an affiliate of the grantor of any material subject to ceiling price regulation.

(86) Commissions paid by sellers of petroleum products delivered on consignment to distributors compensated on a commission basis.

(87) Ticker services.

(88) Tree surgery services.

(89) Services supplied directly by the United States, the States, Territories and possessions of the United States, and their political subdivisions and municipalities, the District of Columbia, and any agency of any of the foregoing. This exemption does not extend to the rates, fees or charges, for services which are incidental or related to or connected with the sale of any commodity by any such government or governmental agency, or to the rates, fees or charges of subcontractors, lessees, licensees, concessionaires or other persons supplying such services in a private capacity for any such government or governmental agency. This exemption also does not apply to services supplied in connection with terminals, docks or warehousing facilities by any such government or governmental agency.

(90) Wrecking, as a separate transaction, whereby a building or other structure is torn down in such a manner as to salvage materials or equipment or both contained therein or forming part thereof; whereby the services are rendered by a person who is known in the trade as a "wrecker", who may receive in addition to the salvage a cash payment for his services or who may pay the owner of the building or other structure for the excess of the value of the salvage over the value of his services; and wherein the estimated value of the salvable material or equipment forms a substantial portion of the consideration for which the services are rendered. The exemption of wrecking, as herein defined, does not extend to site clearance performed as part of a construction project, nor does the exemption extend to the resale of the salvaged materials by the wrecker, his agent, or any other person.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Supp. 2154)

Effective date. This Amendment 2 to General Overriding Regulation 14 shall be effective September 19, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 19, 1951.

[F. R. Doc. 51-11422; Filed, Sept. 19, 1951; 11:19 a. m.]

Chapter IV—Salary and Wage Stabilization, Economic Stabilization Agency

Subchapter A—Salary Stabilization Board

[General Salary Stabilization Regulation 3]

GSSR 3—ADJUSTMENTS FOR INDIVIDUAL EMPLOYEES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), as amended (Pub. Law 96, 82d Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 8 (16 F. R. 5356), as amended (16 F. R. 5956), this General Salary Stabilization Regulation 3 is hereby issued.

STATEMENT OF CONSIDERATIONS

This General Salary Stabilization Regulation 3 is issued by the Salary Stabilization Board in discharge of its responsibilities under the provisions of the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 8, as amended.

The purpose of this General Salary Stabilization Regulation is to establish rules and procedures governing the administration of salary structures within which salary adjustments for individual employees may be made without approval by the Office of Salary Sta-

bilization. Appropriate adjustments of this nature do not ordinarily affect the general salary level and in fact do not normally increase costs.

The Salary Stabilization Board recognizes the necessity of permitting the administration of existing salary structures to continue in a normal manner with a minimum of governmental interference. At the same time, however, it is necessary to make certain that these salary "housekeeping" practices are not abused in order to pirate personnel, nor cumulated so as to amount to general salary increases. Consequently, this regulation has been designed to provide broad limitations to safeguard the ends of stabilization while leaving maximum flexibility to employers; to permit past practices and policies, when not in conflict with the purposes of the Defense Production Act of 1950, as amended, to continue with a minimum of interference and administrative work; and to assist in the maintenance of the historical relationships between the respective compensation of all groups of employees.

The present policy of the Salary Stabilization Board is that so far as possible its regulations should be self-administering. Accordingly, matters such as determinations with respect to the propriety under this regulation of promotions, transfers, and the creation of new or changed positions are left in the first instance to employers. However, their officers are required to certify that such determinations are bona fide and comply with the regulation. Periodic inspections and strict enforcement will take place to prevent abuse of the regulation.

There is wide diversity of practice with respect to salary adjustments for individual employees. In some cases, formal written plans have been established which include positions or classifications with prescribed salary ranges and procedures governing the timing and amount of individual adjustments. In others, affecting a majority of employees subject to the jurisdiction of the Salary Stabilization Board, the timing and amounts of individual adjustments have not been formalized by plans or classifications or in written or formal schedules of salaries or salary ranges. In the case particularly of smaller companies, the employer has so few employees in various exempt positions that a formal policy would be meaningless. Plans or practices under which so-called single rates are paid to employees and which do not contemplate individual adjustments, so that all employees in a particular position are being paid alike, are exceptional in the case of employees subject to the jurisdiction of the Salary Stabilization Board. Furthermore, employees subject to such jurisdiction do not as a rule receive merit or length of service increases with the same degree of regularity as employees subject to the jurisdiction of the wage stabilization Board.

This regulation replaces section 7 of General Salary Stabilization Regulation 1 which was issued pending development of the policies of the Salary Stabilization Board. Wage or salary adjustments for wage earners are determined by practices in many respects different from those which determine salary adjustments for members of the executive, administrative and professional group and outside salesmen. It is therefore not practicable for the Salary Stabilization Board to follow in their entirety the policies established by the Wage Stabilization Board in General Wage Regulation No. 5, revised, as last amended by Amendment No. 2 issued on August 17, 1951.

The Salary Stabilization Board recognizes the possibility that the application of this regulation may nevertheless result in substantial hardship or inequity for particular employers or industries. In such cases, requests for approval of plans which do not meet the requirements of this regulation may, among other things, constitute the basis for additional policy.

In the formulation of this regulation due consideration has been given to the standards and procedures set forth in Title IV and Title VII of the Defense Production Act, as amended; there has been consultation with industry representatives, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.

1. Definitions.
2. Merit or length of service increases under the salary range method of payment.
3. Merit or length of service increases under the random or personal method of payment.
4. Extension of existing merit or length of service increase plans or practices to new plants of an employer.
5. Promotions or transfers to higher or lower paid positions.
6. Salaries for new employees.
7. Salary adjustments for trainees.
8. Salaries for new or changed positions.
9. Auxiliary pay practices.
10. Record keeping required.
11. Increases shall not justify price increases.
12. Revision of salary schedules.
13. Inequities created by salary adjustments.
14. Salary reductions not required for transferred employees.
15. Application to other laws.
16. Repeal of Section 7 of General Salary Stabilization Regulation 1.

AUTHORITY: Sections 1 to 16 issued under sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154. Interpret or apply Title IV, 64 Stat. 803, as amended; 50 U. S. C. App. Sup. 2101–2110, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105; 3 CFR, 1950 Supp.

SECTION 1. *Definitions.* As used in this regulation, the term:

(a) "Employees" means employees subject to the jurisdiction of the Salary Stabilization Board and, unless otherwise authorized by the Office of Salary Stabilization, employees not subject to such jurisdiction shall be excluded from any "group," as hereinafter defined.

(b) "Employer' 'includes a corporation owned or controlled by the employing corporation or owning or controlling, the employing corporation, and a corporation owned or controlled by the corporation which owns or controls the employing corporation.

(c) "Group" means all employees whom an employer has historically or usually treated as a unit in the administration of his salary schedules or practices or in method of payment. The term excludes temporary and part-time employees, trainees, and those employed on a trial basis.

(d) "Base salaries" means salaries paid for a normal work-week, month or other normal time unit, exclusive of overtime, extended work-week compensation, shift differentials, or other penalty or premium rates, vacation and holiday bonuses (as distinguished from regular salary continued during vacations and holidays), bonuses within the scope of General Salary Stabilization Regulation 2, and fringe benefits.

(e) "Established salary range" means a scale of salaries for a position or classification with minimum and maximum salaries which are either clearly designated or are established by specific formula contained in a written schedule in effect on January 25, 1951, or subsequently established in accordance with the appropriate provisions of this or other applicable regulations of the Salary Stabilization Board. Each range is defined by a minimum and a maximum salary and may be expressed as the spread between the two, or it may be expressed by a series of specific salaries between the minimum and maximum.

(f) "Salary range method of payment" means the determination of individual salaries in accordance with an established salary range, based on merit or length of service or a combination of the two.

(g) "Personal or random method of payment" for a group of employees means the method of payment employed for such employees in the absence of the salary range method of payment.

SEC. 2. *Merit or length of service increases under the salary range method of payment.* Subject to the provisions of paragraph (f) of this section, merit or length of service increases in the salaries of individual employees may be made without approval by the Office of Salary Stabilization, provided they are made in accordance with any one of the following:

(a) *The past practice option.* Under this option, the total amount of all merit and length of service increases combined that may be granted in the current calendar year to an appropriate group of employees in positions or classifications with established salary ranges, expressed as a percentage of the total of the base salaries, shall not exceed the corresponding percentage so granted in 1950. The amount that may be granted under this option shall be computed as follows:

(1) Select the payroll period in the calendar year 1950 in which the total number of employees in the appropriate group was nearest to the average for the year.

(2) Total the base salaries for the selected period of all the employees in the appropriate group. This total may be expressed as a weekly, monthly or other figure in accordance with past payroll practice.

(3) Total the merit and length of service increases combined which were granted to employees in the group in the calendar year 1950. This total shall be expressed on the same salary basis (weekly, monthly, etc.) as in subparagraph (2) of this paragraph.

(4) Express the increase granted as determined in subparagraph (3) of this paragraph as a percentage of the total salaries as determined in subparagraph (2) of this paragraph.

(5) Total the base salaries of employees in the appropriate group for the payroll period ending nearest January 15 of the current calendar year and apply the percentage in subparagraph (4) of this paragraph to this total. The resulting figure is the total dollar amount which may be granted for merit and length of service increases in the current calendar year.

(6) If base payrolls have increased during the course of the year, a larger fund for merit and length of service increases may be obtained by averaging the totals of the base salaries for the payroll periods ending nearest the 15th of each elapsed month of the year and applying the percentage computed in subparagraph (4) of this paragraph to this average.

In distributing this amount, no employee shall be raised to a salary higher than the maximum of the established salary range for his position or classification. All merit or length of service increases, including those granted to employees who thereafter quit or were thereafter promoted, transferred, or otherwise separated from their position or classification, shall be charged against the allowable total. Increases granted to temporary and part-time employees, trainees and those employed on a trial basis and increases resulting from promotions or transfers of employees shall not be charged against the allowable total.

(b) *The six (6) percent option.* Under this option, the total amount of all merit and length of service increases combined that may be granted in the current calendar year to an appropriate group of employees in positions or classifications with established salary ranges shall not exceed six (6) percent of the total of the base salaries of such employees. The amount that may be granted under this option shall be computed as follows:

(1) Total the base salaries for the payroll period ending nearest January 15 of the current calendar year of all the employees in the appropriate group. This total may be expressed as a weekly, monthly or other figure, in accordance with past payroll practice. Six (6) percent of this figure is the total dollar amount which may be granted for merit and length of service increases in the current calendar year.

(2) If base payrolls have increased during the course of the year, a larger fund for merit and length of service increases may be obtained by averaging the totals of the base salaries for the payroll periods ending nearest the 15th of each elapsed month of the year and applying six (6) percent to this average.

In distributing this amount, no employee shall be raised to a salary higher than the maximum of the established salary range for his position or classification. All merit or length of service increases, including those granted to employees who thereafter quit or were thereafter promoted, transferred or otherwise separated from their jobs, shall be charged against the allowable total. Increases granted to temporary and part-time employees, trainees and those employed on a trial basis and increases resulting from promotions or transfers of employees shall not be charged against the allowable total.

(c) *The established salary plan option.* An established salary plan is one which meets the following tests:

(1) It must have been contained on January 25, 1951, either in a written statement of policy or procedure, or in a written notice that had been furnished to or posted for the employees or in some combination of these documents, or subsequently approved under the provisions of this or other applicable regulations of the Salary Stabilization Board, and

(2) It must contain a schedule of salary ranges with clearly designated minimum and maximum rates for each position or classification, and

(3) In accordance with the normal operation of the plan the employee would normally be reviewed for a merit increase or entitled to a length of service increase at or before the time the increase is granted, and

(4) It must set forth maximum amounts or maximum percentages of merit or length of service increases which may normally be made.

The written statement or notice setting forth an established plan shall be kept available by the employer at all times for inspection authorized or required by the Office of Salary Stabilization. The practice of the employer shall conform to such statement or notice.

Merit or length of service increases may be granted in accordance with the terms of an established plan to the employees covered by it: *Provided:*

(1) No employee shall be raised to a salary higher than the maximum of the established salary range for his position or classification.

(2) Notwithstanding contrary provisions of an established plan, merit or length of service increases shall not be granted in advance of otherwise normal minimum time intervals or in excess of otherwise normal maximum amounts or maximum percentages.

(d) *Records and reports concerning salary ranges revised between June 24, 1950, and January 25, 1951.* If (1) the maximum salary of a position or classification or salary grade was increased or first established in the period June 24, 1950 to January 25, 1951, and (2) the amount of the increase in the maximum salary was greater than the amount of increase granted at the time to any incumbent in the position or classification or salary grade and (3) the maximum of such salary range was on January 25, 1951, more than 15 percent above the highest salary paid to any employee in such position or classification or salary grade in the period January 1, 1950 to January 25, 1951, the employer shall keep available, for such inspection and the filing of such reports as may be authorized or required by the Office of Salary Stabilization, records showing the salary range together with the highest salary within that salary range actually being paid to incumbents on January 25, 1951. If such records are kept, merit or length of service increases may continue to be granted within this salary range unless and until the Office of Salary Stabilization, within three years after such salary range was increased or first established, disapproves or modifies it with respect to increases thereafter.

(e) *Prerequisites for approval of new salary plans or modifications of existing salary plans to govern individual salary increases.* (1) A new salary plan or modification of an existing salary plan governing individual salary increases, relating either to existing plants or to a new plant, as such term is defined in section 11 of General Salary Stabilization Regulation 1, either of an existing or of a new employer, may be approved by the Office of Salary Stabilization. Such a plan must include:

(i) Description of each position or classification.

(ii) The grouping of positions into grades, if any.

(iii) Salary range for each position or classification.

(iv) Specified limits for increases.

(v) The time or times for review for the purpose of merit or length of service increases.

(2) The Office of Salary Stabilization is authorized to approve new salary plans or modifications of existing salary plans in the light of the employer's past practice and of relevant practice in the industry, occupation or area, as may be appropriate. Adequate data in support of the application must be submitted by the applicant.

(f) *Over-all limitation on merit and length-of-service increases.* Notwithstanding anything in this section 2 to the contrary, the total dollar amount of all merit and length of service increases combined that may be granted in any calendar year to all employees subject to the jurisdiction of the Salary Stabilization Board shall in no event exceed six (6) percent of the total of their base salaries during such year.

SEC. 3. *Merit or length of service increases under the random or personal method of payment.* (a) It is recognized that in many companies the positions of executive, administrative, professional and outside salesmen employees subject to the jurisdiction of the Salary Stabilization Board do not have formal salary ranges contained in written schedules in effect on January 25, 1951, but on that date (1) a diversity of salaries was paid to incumbents; or (2) all the incumbents happened to be paid the same salaries although there was a practice in effect of granting merit or length of service increases; or (3) there was only one employee in a classification in which it has been the practice to make merit or length of service increases; or (4) salary schedules were in existence which set forth minimum salaries above which merit or length of service increases have been granted.

(b) An employer with such a personal or random method of payment for a group of employees may make merit or length of service increases to such employees without approval by the Office of Salary Stabilization within the fol-

lowing limitations: (1) The total dollar amount of all merit and length of service increases combined that may be granted in the current calendar year to employees in a group, expressed as a percentage of the total of their base salaries, shall not exceed six (6) percent (computed as in paragraph (b) of section 2 of this regulation) and (2) the maximum increases granted to any one employee shall not exceed ten (10) percent of his salary.

SEC. 4. *Extension of existing merit or length of service increase plans or practices to new plants of an employer.* (1) An employer may extend existing merit or length of service plans or practices to a new plant, as such term is defined in section 11 of General Salary Stabilization Regulation 1, by granting merit and length of service increases in accordance with the methods and practices authorized by this regulation and applicable at the most nearly comparable plant of such employer.

(2) An employer granting a salary adjustment to employees at a new plant pursuant to subparagraph (1) of this paragraph shall keep available records showing in detail compliance with the provisions of this regulation for the purpose of such inspection and the filing of such reports as may be authorized or required by the Office of Salary Stabilization. If such records are kept, merit or length of service increases pursuant to subparagraph (1) of this paragraph may continue to be granted unless and until the Office of Salary Stabilization, within three years after such merit or length of service increases were first established at such a new plant, disapproves or modifies them with respect to the payment of such increases thereafter.

SEC. 5. *Promotions or transfers to higher or lower paid positions.* (a) When a bona fide promotion or transfer of an employee to a higher paid position is made and the employee is required to perform the normal duties of such position, the employee's salary may be increased subject to the following limitations:

(1) If the position to which the employee is promoted or transferred has a salary range, the salary within the range to which he may be increased shall be governed by the practices or policies set forth in a written statement of policy or procedure in actual operation on January 25, 1951. If such written statement did not exist or it did not contain specific policies or practices governing the salary to which a newly promoted or transferred employee may be increased, the employee may be increased to a salary corresponding to his ability, experience and training, provided such salary is not in excess of the salary paid to the employee having the most nearly comparable duties and responsibilities, as established by relevant records. Such increase shall not be deemed a merit or length of service increase if made within 90 days after the promotion or transfer. In no event shall the employee's salary be increased to a salary in excess of the maximum of the salary range of the classification to which he is promoted or transferred.

(2) An employee in or promoted or transferred into a group with the personal or random method of payment may be promoted or transferred to a higher paid position and increased to a salary corresponding to his ability, experience and training, provided such salary is not in excess of the highest salary paid to the employee having the most nearly comparable duties and responsibilities, as established by relevant records. Such increase shall not be deemed a merit or length of service increase if made within 90 days after the promotion or transfer.

(b) An employee permanently transferred to a lower paid position may be paid no more than the maximum salary for such position. Such transfer shall, in any event, be deemed permanent if the employee remains in the lower paid position for more than 90 days.

(c) In the case of increases in compensation made as the result of promotions or transfers, there shall be attached to the payroll or personnel records of the employer a supporting certificate sworn to by an officer of the corporation, or if the employer is a partnership, by one of the partners, or if a sole proprietorship, by the proprietor. Such certificate shall in each case state that the promotion or transfer which has resulted in the increase in compensation is a bona fide promotion or transfer and the pertinent facts supporting that conclusion. Such certificate shall be made at the time of the promotion or transfer or at least once a month with respect to all employees promoted or transferred during the preceding month.

SEC. 6. *Salaries for new employees.* The following limitations apply to the salaries of new employees:

(a) A new employee may not be hired at a salary exceeding the minimum of the established salary range of the classification into which he is hired, except that a new employee with more than the minimum ability, experience and training required for the classification into which he is hired may be hired at a salary within the established salary range corresponding to his ability, experience and training, or he may be hired at a lower salary and subsequently increased to a salary corresponding to his ability, experience and training within a period not to exceed 120 days, but in no event shall he be paid a salary higher than the maximum of the salary range of the classification into which he is hired. Such increases shall not be deemed merit or length of service increases.

(b) An employee hired into a group with the personal or random method of payment may be hired at a salary corresponding to his ability, experience and training, provided such salary is not in excess of the salary paid to the employee having the most nearly comparable duties and responsibilities as established by relevant records, or he may be hired at a lower salary and subsequently increased within a period not to exceed 120 days to a salary corresponding to his ability, experience and training but not in excess of the salary paid to an employee having the most nearly comparable duties and responsibilities. Such increases shall not be deemed merit or length of service increases.

SEC. 7. *Salary adjustments for trainees.* Trainees employed under a bona fide training program in effect on or before January 25, 1951 or placed into effect thereafter with the approval of the Office of Salary Stabilization may be paid and advanced in accordance with the salaries and time intervals set forth in such program. Such increases shall not be deemed merit or length of service increases.

SEC. 8. *Salaries for new or changed positions.* (a) Salaries for new or changed positions may be established in accordance with the methods and principles in effect on January 25, 1951 for maintaining a balanced relationship between the salaries for the various positions and jobs in the company; or if no such system was in effect on that date the salaries established for the new or changed positions must be related to salaries for the most nearly comparable positions, making proper allowances for the difference, if any, in the requirements of knowledge, skills, duties, responsibilities or other factors normally taken into account. Slight or inconsequential changes in duties or responsibilities shall not provide the basis for establishing new classifications, salaries or salary ranges, nor justify changes in existing classifications, salaries or salary ranges.

(b) In the case of each new or changed position, there shall be attached to the payroll or personnel records of the employer a supporting certificate sworn to by an officer of the corporation, or if the employer is a partnership, by one of the partners, or if a sole proprietorship, by the proprietor. Such certificate shall in each case state that the new or changed position is necessary to the operations of the company and has been established in good faith and the pertinent facts supporting that conclusion. Such certificate shall be made at the time of the creation of such new or changed position, or at least once a month with respect to all new or changed positions created during the preceding period.

SEC. 9. *Auxiliary pay practices.* (a) Operation of any of the following plans or practices may continue if such plan or practice was in effect on or before January 25, 1951, and the method of application is consistent with the method of application over a reasonable period of time prior to January 25, 1951:

(1) The normal operation or application of incentive rates or plans; or

(2) Change from one shift to another; or

(3) The normal operation of a system for payment of commissions on sales or business transactions; or

(4) The payment of overtime, premium, or penalty rates; or

(5) Severance or termination pay; or

(6) Other similar auxiliary pay practices.

(b) Benefits from an insurance or welfare plan or coverage under a pension plan which accrue to an individual employee as a result of a change in his length of service, classification, earn-

ings, or similar individual circumstances may be provided or adjusted in amount if made pursuant to the specific terms of a plan in effect on January 25, 1951.

SEC. 10. *Record keeping required.* Employers shall keep records sufficient to establish compliance with this regulation. Such records shall be maintained for three years following each calendar year in which any salary adjustment was made pursuant to this regulation for the purpose of such inspection and the preparation of such reports as the Office of Salary Stabilization may authorize or require. Such records shall be sufficient, among other things, to enable the preparation and filing with the Office of Salary Stabilization of periodic reports, if and when required, showing the following:

(1) The promotions and transfers that have been made and the new or changed positions that have been created,

(2) The number of employees involved, and

(3) The aggregate sums paid to such employees both prior and subsequent to the promotions and transfers and the creation of new or changed positions.

SEC. 11. *Increases shall not justify price increases.* Salary adjustments made under this regulation shall not, except as otherwise provided by the Defense Production Act of 1950, as amended, furnish a basis either to increase price ceilings or to resist otherwise justifiable reductions in price ceilings and employers making such adjustments shall be deemed to have made a representation to that effect.

SEC. 12. *Revision of salary schedules.* This regulation shall apply to the salaries and salary ranges in effect on January 25, 1951, and to the auxiliary pay practices in effect on or prior to that date. If they have been revised subsequently and prior to May 10, 1951, in accordance with the General Wage Regulations or with written rulings of the Wage Stabilization Board or of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor, or subsequent to May 10, 1951, in accordance with the General Salary Stabilization Regulations or written rulings of the Office of Salary Stabilization, this regulation shall apply to such revised salaries, salary ranges and auxiliary pay practices. However, any merit or length of service increases or adjustments in auxiliary pay practices granted prior to the date of this regulation shall be taken into account in computing any salary adjustments allowable under this regulation.

SEC. 13. *Inequities created by salary adjustments.* Any inequity created by a salary adjustment under this regulation shall not constitute a basis for adjustment in salaries or other compensation under this or any other regulation of the Salary Stabilization Board.

SEC. 14. *Salary reductions not required for transferred employees.* Notwithstanding anything to the contrary in this regulation, an employee regularly employed at a plant of an employer and who was actually employed in good faith for the purpose of working at such plant may be transferred to a similar or comparable position in another plant of the same employer without reduction in salary or other compensation, and any such transferred employee may continue to be paid in accordance with the authorized plans or practices of the employer applicable to the position in the plant from which he was transferred: *Provided however,* That if such employee had been employed at the plant from which he was transferred for a period of less than one year at the time of his transfer, the employer shall, within ten (10) days after such transfer, file with the Office of Salary Stabilization a report stating:

(a) The name of the employee.

(b) The position which he occupied at the plant from which he was transferred and the duties and responsibilities of such position, together with the salary and other compensation that he was paid at such plant.

(c) The position which he occupies at the plant to which he was transferred and the duties and responsibilities of such position, together with the salary and other compensation which he is being paid at such plant.

(d) The salaries of the two most nearly comparable positions at the plant to which he was transferred, the date upon which such salaries were fixed and the duties and responsibilities of the positions at which such salaries are paid.

SEC. 15. *Application to other laws.* Nothing in this regulation shall affect any determination as to the validity or propriety or effect of any payment made under this regulation for the purpose of any other law or regulation of the United States, or of any state, territory, possession or subdivision thereof.

SEC. 16. *Repeal of section 7 of General Salary Stabilization Regulation 1.* Section 7 of General Salary Stabilization Regulation 1 is hereby repealed.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Salary Stabilization Board on September 12, 1951.

RAYMOND B. ALLEN,
Chairman.

[F. R. Doc. 51-11416; Filed, Sept. 19, 1951; 10:51 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

MISCELLANEOUS AMENDMENTS

1. In § 34.88 *Postage rates for air parcel post* amend paragraph (b) (6) by deleting the first sentence therein.

2. Amend § 34.89 *Definition of domestic air mail* by adding a new paragraph (c) to read as follows:

(c) *Handling of air mail and air parcel post.* Air mail and air parcel post are entitled to the most expeditious handling possible in post offices, in transit, and in delivery, but not special delivery unless the required fee for such service is paid.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 1, 62 Stat. 1097; 5 U. S. C. 22, 369, 39 U. S. C. 475)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-11309; Filed, Sept. 19, 1951; 8:46 a. m.]

PART 114—TREATMENT OF MAILS: POSTAGE REFUNDS: INTERNATIONAL REPLY COUPONS: DISPOSITION OF FOREIGN DEAD MATTER

TREATMENT OF UNPAID OR SHORT-PAID MATTER

In § 114.2 *Treatment of unpaid or short-paid matter* delete the words "or partial" from the first sentence therein.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-11310; Filed, Sept. 19, 1951; 8:47 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

PRINTED MATTER

In § 127.6 *Printed matter* amend subparagraph (3) of paragraph (d) to read as follows:

(3) Reproductions of handwriting or typewriting obtained by means of the printing press, mimeograph, multigraph, or similar mechanical process may be accepted at the "prints" rate under the same conditions as are applicable to such matter in the domestic service. (See § 34.69 of this chapter.) These reproductions may receive the annotations authorized for prints. See paragraphs (f) and (g) of this section.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-11308; Filed, Sept. 19, 1951; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

1. Insert between §§ 127.22 and 127.23 new § 127.22a *Diamonds* to read as follows:

§ 127.22a *Diamonds.* Loose diamonds in any form (except cut gem diamonds, i. e., diamonds cut to be set in jewelry) tendered for mailing to any foreign country shall not be accepted unless they have been inspected by the U. S. Appraiser of Merchandise at New York, N. Y., and the unbroken seal of that official appears on each package or parcel. This requirement is not applicable to

diamonds forming a part of industrial tools.

This restriction is based on regulations of the Office of International Trade, Department of Commerce.

2. In § 127.76 *Group shipments* make the following changes in paragraph (b):

a. After the names of the following countries add the phrase "(limited to 3 ordinary parcels)":

Chile.	Paraguay.
Dominican Republic.	Salvador (El).
Ecuador.	Uruguay.
Mexico.	

b. Strike out the clause "(limited to 3 parcels)" appearing after Colombia and Venezuela, and insert in lieu thereof the clause "(limited to 3 ordinary parcels)".

c. Strike out the clause "(limited to ordinary parcels)" after Guatemala and insert in lieu thereof "(limited to 3 ordinary parcels)".

3. In § 127.230 *Chile* make the following change:

In the tabulated information following the table of air parcel rates in subdivision (ii) of paragraph (b) (1), strike out the word "Yes" appearing after "Group shipments:" and insert in lieu thereof "Limited to 3 ordinary parcels".

4. In § 127.232 *Colombia* make the following change:

In the tabulated information following the table of air parcel rates in subdivision (ii) of paragraph (b) (1), strike out the words "limited to 3 parcels" opposite "Group shipments:", and insert in lieu thereof "(Limited to 3 ordinary parcels)".

5. In § 127.242 *Dominican Republic* make the following change:

In the tabulated information following the table of air parcel rates in subdivision (ii) of paragraph (b) (1), strike out the word "Yes" opposite the words "Group shipments:" and insert in lieu thereof "Limited to 3 ordinary parcels".

6. In § 127.243 *Ecuador* make the following change:

In the tabulated information following the table of air parcel rates in subdivision (ii) of paragraph (b) (1), strike out the word "Yes" appearing opposite "Group shipments:" and insert in lieu thereof "Limited to 3 ordinary parcels".

7. In § 127.272 *Guatemala* make the following change:

In the tabulated information following the table of air parcel rates in subdivision (ii) of paragraph (b) (1), strike out the words "Limited to ordinary parcels" opposite "Group shipments:" and insert in lieu thereof "Limited to 3 ordinary parcels".

8. In § 127.278 *India* amend subdivision (ii–a) of paragraph (b) (4) by adding the following sentences to the text thereof: "If the addressees do not possess these licenses when required, the parcels may be treated as undeliverable. The customs treatment of commercial shipments in India will be facilitated if senders will enclose a copy of the relative invoice in each parcel."

9. In § 127.304 *Mexico* make the following change:

In the tabulated information following the table of air parcel rates in subdivision (ii) of paragraph (b) (1), strike out the word "Yes" opposite "Group shipments:" and insert in lieu thereof "Limited to 3 ordinary parcels".

10. In § 127.326 *Paraguay* make the following change:

In the tabulated information following the table of surface parcel rates in subdivision (i) of paragraph (b) (1), strike out the word "Yes" appearing opposite "Group shipments:" and insert in lieu thereof "Limited to 3 ordinary parcels".

11. In § 127.341 *Rumania* make the following changes:

a. Redesignate subdivision (i) of paragraph (b) (5) as subdivision (vii).

b. Insert a new subdivision (i) in paragraph (b) (5) to read as follows:

(i) *Restrictions.* (*a*) Only one gift parcel may be received by one addressee per month.

(*b*) No gift parcel may contain any articles in hand-soldered tin cans.

(*c*) Gift parcels to be admitted free of duty may contain only clothing, food and medicines not exceeding $20 in value, and the quantities of certain items in those categories are restricted. If the limits are exceeded, the addressees may be required to pay customs duty at penalty rates or to obtain import permits in order to take delivery, or the parcels may be treated as undeliverable. Patrons desiring information as to the permitted quantities of various items should be advised to communicate with the European Division, Office of International Trade, Department of Commerce, Washington 25, D. C., or with any field office of that department.

12. In § 127.345 *Salvador (El)* make the following change:

In the tabulated information following the table of air parcel rates in subdivision (ii) of paragraph (b) (1), strike out the word "Yes" opposite "Group shipments:" and insert in lieu thereof "Limited to 3 ordinary parcels".

13. In § 127.374 *Uruguay* make the following change:

In the tabulated information following the table of air parcel rates in subdivision (ii) of paragraph (b) (1) strike out the word "Yes" opposite "Group shipments:" and insert in lieu thereof "Limited to 3 ordinary parcels".

14. In § 127.376 *Venezuela* make the following change:

In the tabulated information following the table of air parcel rates in subdivision (ii) of paragraph (b) (1) strike out the words "limited to 3 parcels" opposite "Group shipments:" and insert in lieu thereof "Limited to 3 ordinary parcels".

15. In § 127.360 *Switzerland* make the following addition:

In paragraph (b) (4) add the following sentence to the text of subdivision (iii): "Parcels containing the articles mentioned, as well as those containing bank notes or other paper values, must be sealed with wax or lead seals, or with gummed paper tape bearing a distinctive mark or imprint of the sender."

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON, *Postmaster General.*

[F. R. Doc. 51-11311; Filed, Sept. 19, 1951; 8:47 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

CHINA (INCLUDING TAIWAN (FORMOSA) AND THE LEASED TERRITORY OF KWANGCHOWWAN (FORT BAYARD)

In § 127.231 *China (including Taiwan (Formosa) and the leased territory of Kwangchowwan (Fort Bayard))*, amend subdivision (ii) of paragraph (b) (1) to read as follows:

(ii) *Air parcels. Service available only to Taiwan (Formosa).*

[Rates include surcharges]

Lb.	Oz.	Rate	Lb.	Oz.	Rate
0	4	$1.43	11	4	48.95
0	8	2.51	11	8	50.03
0	12	3.59	11	12	51.11
1	0	4.67	12	0	52.19
1	4	5.75	12	4	53.27
1	8	6.83	12	8	54.35
1	12	7.91	12	12	55.43
2	0	8.99	13	0	56.51
2	4	10.07	13	4	57.59
2	8	11.15	13	8	58.67
2	12	12.23	13	12	59.75
3	0	13.31	14	0	60.83
3	4	14.39	14	4	61.91
3	8	15.47	14	8	62.99
3	12	16.55	14	12	64.07
4	0	17.63	15	0	65.15
4	4	18.71	15	4	66.23
4	8	19.79	15	8	67.31
4	12	20.87	15	12	68.39
5	0	21.95	16	0	69.47
5	4	23.03	16	4	70.55
5	8	24.11	16	8	71.63
5	12	25.19	16	12	72.71
6	0	26.27	17	0	73.79
6	4	27.35	17	4	74.87
6	8	28.43	17	8	75.95
6	12	29.51	17	12	77.03
7	0	30.59	18	0	78.11
7	4	31.67	18	4	79.19
7	8	32.75	18	8	80.27
7	12	33.83	18	12	81.35
8	0	34.91	19	0	82.43
8	4	35.99	19	4	83.51
8	8	37.07	19	8	84.59
8	12	38.15	19	12	85.67
9	0	39.23	20	0	86.75
9	4	40.31	20	4	87.83
9	8	41.39	20	8	88.91
9	12	42.47	20	12	89.99
10	0	43.55	21	0	91.07
10	4	44.63	21	4	92.15
10	8	45.71	21	8	93.23
10	12	46.79	21	12	94.31
11	0	47.87	22	0	95.39

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON, *Postmaster General.*

[F. R. Doc. 51-11307; Filed, Sept. 19, 1951; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 753]

ALASKA

RESERVING PUBLIC LAND FOR USE OF THE BUREAU OF LAND MANAGEMENT AS AN ADMINISTRATIVE SITE AND REVOKING ORDER OF SECRETARY OF THE INTERIOR OF OCTOBER 30, 1943, ESTABLISHING AIR-NAVIGATION SITE WITHDRAWAL NO. 210

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, the act of March 27, 1928, 45 Stat. 371 (48 U. S. C. 472, 472a), and section 4 of the act of

May 24, 1928, 45 Stat. 729 (49 U. S. C. 214), it is ordered as follows:

Subject to valid existing rights, the tract of public land described below by metes and bounds, is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws but not the mineral-leasing laws, and reserved for the use of the Bureau of Land Management, Department of the Interior, as an administrative site:

Beginning at a point described as corner No. 1 of U. S. Survey No. 353 (Eagle Townsite), Alaska, approximate latitude 64° 48' N., longitude 141° 12' W., thence by metes and bounds:
N. 21° 57' W., 400 feet;
N. 10° 00' E., 202 feet;
S. 67° 02' W., 1108.3 feet;
S. 21° 57' E., 330 feet;
N. 68° 03' E., 189.5 feet;
S. 21° 57' E., 225 feet;
N. 68° 03' E., 818.5 feet to point of beginning.

The tract as described contains 12.23 acres.

The order of the Secretary of the Interior of October 30, 1943, withdrawing the following-described tract of public land as Air-Navigation Site Withdrawal No. 210, is hereby revoked:

Beginning at corner No. 3, U. S. Survey No. 350, Alaska, approximate latitude 64°48' N., longitude 141°12' W.
From the initial point:
N. 21° 26' W., 220 feet, along line 3–2, Survey No. 350;
S. 68° 03' W., 500 feet;
S. 21° 57' E., 50 feet, to point on line 4–5, area No. 2 described in Department of the Interior Circular No. 1327, July 11, 1934;
N. 68° 03' E., 280 feet, to corner No. 4, of said reserve;
S. 21° 57' E., 325 feet, along line 4–3, of said reserve, and line 2–3 of Signal Corps Reserve, Executive Order No. 4131, January 22, 1925, to the north boundary of Alaska Road Commission Reserve;
N. 68° 03' E., 1008 feet, along north boundary Alaska Road Commission Reserve to left bank Yukon River;
N. 10° 00' E., 202 feet, along left bank Yukon River to corner No. 4, U. S. Survey No. 350;
S. 67° 02' W., 898 feet, to corner No. 3, U. S. Survey No. 350, the place of beginning.

The tract as described contains 5.35 acres.

That part of the land released from withdrawal by the above revocation and lying outside of the withdrawal for administrative-site purposes is described as follows:

Beginning at corner No. 3, U. S. Survey No. 350, thence by metes and bounds:
N. 21° 26' W., 220 feet;
S. 68° 03' W., 500 feet;
S. 21° 57' E., 50 feet to point on line 4–5, area No. 2 described in Department of Interior Circular No. 1327, of July 11, 1934;
N. 68° 03' E., 280 feet to corner No. 4 of said reserve;
S. 21° 57' E., 170 feet;
N. 67° 02' E., 210 feet to point of beginning.

The land described contains 1.4 acres.

As to the above-described tract of unappropriated, unreserved, unsurveyed public land, this order shall become effective at 10:00 a. m. on the 35th day after the signing of this order at which time the land shall be opened to settlement under the homestead laws, or under the homesite act of May 26, 1934, 48 Stat. 809 (48 U. S. C. 461), and to those forms of appropriation only by qualified veterans of World War II for whose services recognition is granted by the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, and by other qualified persons entitled to credit for service under the said act. Commencing at 10:00 a. m. on the 126th day after the date of this order, any of such lands not settled upon by veterans or other persons entitled to credit for service shall become subject to settlement and other forms of appropriation by the public generally in accordance with the appropriate laws and regulations.

Applications for these lands which shall be filed in the Land Office, Bureau of Land Management, Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the homesite or homestead laws shall be governed by the regulations contained in Parts 64 and 65 of Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

OSCAR L. CHAPMAN,
Secretary of the Interior.

SEPTEMBER 14, 1951.

[F. R. Doc. 51–11300; Filed, Sept. 19, 1951; 8:45 a. m.]

[Public Land Order 754]

OREGON

WITHDRAWING PUBLIC LANDS FOR TIMBER PRESERVATION PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the following-described public lands in Oregon are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved under the administration of the Bureau of Land Management, Department of the Interior, as a timber preservation area for the protection for their scientific and educational values of the Oregon myrtle located thereon:

WILLAMETTE MERIDIAN

T. 24 S., R. 7 W.,
Sec. 20, lot 9;
Sec. 21, lot 11.

The area described contains 28.28 acres.

OSCAR L. CHAPMAN,
Secretary of the Interior.

SEPTEMBER 14, 1951.

[F. R. Doc. 51–11301; Filed, Sept. 19, 1951; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Internal Revenue

[26 CFR Part 29]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO CAPITAL ASSETS AND CERTAIN SHORT SALES OF CAPITAL ASSETS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] JOHN B. DUNLAP,
Commissioner of Internal Revenue.

In order to conform Regulations 111 (26 CFR Part 29) to sections 210 (relating to definition of capital assets) and 211 (relating to certain short sales of capital assets) of the Revenue Act of 1950, approved September 23, 1950, such regulations are hereby amended as follows:

PARAGRAPH 1. Section 29.107–2, as amended by Treasury Decision 5458, approved June 15, 1945, is further amended by adding at the end of paragraph (a) thereof the following new sentence: "In the case of taxable years beginning after September 23, 1950, for the purpose of determining the tax which would be attributable to gain on the sale or exchange of an artistic work had such gain been received ratably in any prior taxable year, such gain shall be treated as gain from the sale or exchange of property which is not a capital asset."

PAR. 2. There is inserted immediately preceding § 29.117–1 the following:

SEC. 210. CAPITAL GAINS AND LOSSES (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Definition of capital assets.* Section 117 (a) (1) relating to the definition of capi-

tal assets) is hereby amended to read as follows:

(1) *Capital assets.* The term "capital assets" means property held by the taxpayer (whether or not connected with his trade or business), but does not include—

(A) Stock in trade of the taxpayer or other property of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or property held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business;

(B) Property, used in his trade or business, of a character which is subject to the allowance for depreciation provided in section 23 (l), or real property used in his trade or business;

(C) A copyright; a literary, musical, or artistic composition; or similar property; held by—

(i) A taxpayer whose personal efforts created such property, or

(ii) A taxpayer in whose hands the basis of such property is determined, for the purpose of determining gain from a sale or exchange, in whole or in part by reference to the basis of such property in the hands of the person whose personal efforts created such property; or

(D) An obligation of the United States or any of its possessions, or of a State or Territory, or any political subdivision thereof, or of the District of Columbia, issued on or after March 1, 1941, on a discount basis and payable without interest at a fixed maturity date not exceeding one year from the date of issue.

(b) *Amendment of section 117 (j).* The first sentence of section 117 (j) (1) is hereby amended by inserting before the period at the end thereof the following: ", or (C) a copyright, a literary, musical, or artistic composition, or similar property, held by a taxpayer described in subsection (a) (1) (C)".

(c) *Effective date.* The amendments made by this section shall be applicable with respect to taxable years beginning after the date of the enactment of this act.

PAR. 3. Section 29.117–1, as amended by Treasury Decision 5425, approved December 29, 1944, is further amended by adding at the end of paragraph (b) thereof the following new paragraph:

(b–1) With respect to taxable years beginning after September 23, 1950, a copyright, a literary, musical, or artistic composition, and similar property are excluded from the term "capital assets" if held by a taxpayer whose personal efforts created such property, or held by a taxpayer in whose hands the basis of such property is determined, for the purpose of determining gain from a sale or exchange, in whole or in part by reference to the basis of such property in the hands of the person whose personal efforts created such property. As to the application of section 117 (j) to the sale or exchange of such property held by such a taxpayer, see § 29.117–7. The phrase "similar property" includes, for example, such property as a theatrical production, a radio program, a newspaper cartoon strip, or any other property eligible for copyright protection (whether under statute or common law), but does not include a patent or an invention, or a design which may be protected only under the patent law and not under the copyright law.

PAR. 4. Section 29.117–6 is amended as follows:

(A) By changing the title thereof to read *Gains and losses from short sales; in general.*

(B) By adding at the end thereof the following new paragraph:

As to certain short sales of capital assets made after September 23, 1950, to which section 117 (l) applies, see § 29.117–10.

PAR. 5. Section 29.117–7, as amended by Treasury Decision 5394, approved July 27, 1944, is further amended as follows:

(A) By adding after "ordinary course of trade or business," in paragraph (a) (1) thereof the following: "or, with respect to taxable years beginning after September 23, 1950, is not a copyright, a literary, musical, or artistic composition, or similar property, held by a taxpayer described in section 117 (a) (1) (C),"

(B) By adding after "ordinary course of his trade or business," in the first sentence of paragraph (d) thereof the following: "or, with respect to taxable years beginning after September 23, 1950, which is a copyright, a literary, musical, or artistic composition, or similar property, held by a taxpayer described in section 117 (a) (1) (C),"

PAR. 6. There is inserted immediately after § 29.117–9, as added by Treasury Decision 5851, approved August 10, 1951 (16 F. R. 8042), the following:

SEC. 211. SHORT SALES OF CAPITAL ASSETS (REVENUE ACT OF 1950, APPROVED SEPTEMBER 23, 1950).

(a) *Treatment of short sales.* Section 117 (relating to capital gains and losses) is hereby amended by adding at the end thereof the following new subsection:

(l) *Short sales, etc.* In the case of a short sale of property made by the taxpayer after the date of the enactment of the Revenue Act of 1950:

(1) *Short-term gains and holding periods.* If substantially identical property has been held by the taxpayer on the date of such short sale for not more than 6 months (determined without regard to the effect, under subparagraph (B) of this paragraph, of such short sale on the holding period), or if substantially identical property is acquired by the taxpayer after such short sale and on or before the date of the closing thereof—

(A) Any gain upon the closing of such short sale shall be considered as a gain upon the sale or exchange of a capital asset held for not more than 6 months (notwithstanding the period of time any property used to close such short sale has been held); and

(B) The holding period of such substantially identical property shall be considered to begin (notwithstanding the provisions of subsection (h)) on the date of the closing of the short sale, or on the date of a sale, gift, or other disposition of such property, whichever date occurs first. This subparagraph shall apply to such substantially identical property in the order of the dates of the acquisition of such property, but only to so much of such property as does not exceed the quantity sold short.

For the purposes of this paragraph, the acquisition of an option to sell property at a fixed price shall be considered as a short sale, and the exercise or failure to exercise such option shall be considered as a closing of such short sale.

(2) *Long-term losses.* If substantially identical property has been held by the taxpayer on the date of such short sale for more than 6 months, any loss upon the closing of such short sale shall be considered as a loss upon the sale or exchange of a capital asset held for more than 6 months (notwithstanding the period of time any property used to close such short sale has been held, and notwithstanding the provisions of subsection (g) (2)).

(3) *Rules for application of subsection.* (A) The provisions of paragraph (1) (A) or (2) shall not apply to the gain or loss, respectively, on any quantity of property used to close such short sale which is in excess of the quantity of the substantially identical property referred to in the applicable paragraph.

(B) For the purposes of this subsection—

(i) The term "property" includes only stocks and securities (including stocks and securities dealt with on an "when issued" basis), and commodity futures, which are capital assets in the hands of the taxpayer;

(ii) In the case of futures transactions in any commodity on or subject to the rules of a board of trade or commodity exchange, a commodity future requiring delivery in one calendar month shall not be considered as property substantially identical to another commodity future requiring delivery in a different calendar month; and

(iii) In the case of a short sale of property by an individual, the term "taxpayer", in the application of this paragraph and paragraphs (1) and (2), shall be read as "taxpayer or his spouse"; but an individual who is legally separated from the taxpayer under a decree of divorce or of separate maintenance shall not be considered as the spouse of the taxpayer.

(C) Where the taxpayer enters into two commodity futures transactions on the same day, one requiring delivery by him in one market and the other requiring delivery to him of the same (or substantially identical) commodity in the same calendar month in a different market, and the taxpayer subsequently closes both such transactions on the same day, this subsection shall have no application to so much of the commodity involved in either such transaction as does not exceed in quantity the commodity involved in the other.

(b) *Effective date.* The amendment made by this section shall be applicable only with respect to taxable years beginning after the date of the enactment of this act.

§ 29.117–10 *Gains and losses from certain short sales of capital assets*—(a) *General.* Section 117 (l) provides rules as to the tax consequences of certain short sales of property if, at the time of the short sale or on or before the date of the closing of the short sale, the taxpayer holds property substantially identical to that sold short. The term "property" is defined in section 117 (l) to include only stocks and securities (including stocks and securities dealt with on a "when issued" basis) and commodity futures, which are capital assets in the hands of the taxpayer. The section applies to short sales of such property made after September 23, 1950, but only with respect to gains and losses realized in taxable years beginning after September 23, 1950. Certain restrictions on the application of the section to commodity futures are provided in section 117 (l) (3) and paragraph (c) (2) of this section.

(b) *Treatment of short sales.* The first two rules, which are set forth in section 117 (l) (1), are applicable whenever property substantially identical to that sold short has been held by the taxpayer on the date of the short sale for not more than 6 months (determined without re-

gard to rule (2), below, relating to the holding period) or is acquired by him after the short sale and on or before the date of the closing thereof. These rules are:

Rule (1). Any gain upon the closing of such short sale shall be considered as a gain upon the sale or exchange of a capital asset held for not more than 6 months (notwithstanding the period of time any property used to close such short sale has been held); and

Rule (2). The holding period of such substantially identical property shall be considered to begin (notwithstanding the provisions of section 117 (h)) on the date of the closing of such short sale or on the date of a sale, gift, or other disposition of such property, whichever date occurs first.

For the purpose of rule (1) and rule (2), the acquisition of an option to sell property at a fixed price shall be considered a short sale, and the exercise or failure to exercise such option shall be considered as a closing of such short sale.

The third rule, which is set forth in section 117 (1) (2), is applicable whenever property substantially identical to that sold short has been held by the taxpayer on the date of the short sale for more than 6 months. This rule is:

Rule (3). Any loss upon the closing of such short sale shall be considered as a loss upon the sale or exchange of a capital asset held for more than 6 months, notwithstanding the period of time any property used to close such short sale has been held. For the purpose of rule (3), the acquisition of an option to sell property at a fixed price is not considered a short sale, and the exercise or failure to exercise such option is not considered as a closing of a short sale.

Rules (1) and (3) do not apply to the gain or loss attributable to so much of the property sold short as exceeds in quantity the substantially identical property referred to in sections 117 (1) (1) and 117 (1) (2), respectively. Rule (2) applies to the substantially identical property referred to in section 117 (1) (1) in the order of the dates of the acquisition of such property, but only to so much of such property as does not exceed the quantity sold short. If property substantially identical to that sold short has been held by the taxpayer on the date of the short sale for not more than 6 months, or is acquired by him after the short sale and on or before the date of the closing thereof, and if property substantially identical to that sold short has been held by the taxpayer on the date of the short sale for more than 6 months, all three rules are applicable.

The following examples illustrate the application of these rules to short sales of stock in the case of a taxpayer who makes his return on the basis of the calendar year:

Example (1). A buys 100 shares of X stock at $10 per share on February 1, 1951, sells short 100 shares of X stock at $16 per share on July 1, 1951, and closes the short sale on August 2, 1951, by delivering the 100 shares of X stock purchased on February 1, 1951, to the lender of the stock used to effect the short sale. Since 100 shares of X stock had been held by A on the date of the short sale for not more than 6 months, the gain of $600 realized upon the closing of the short sale is, by application of rule (1), a short-term capital gain.

Example (2). A buys 100 shares of X stock at $10 per share on February 1, 1951, sells short 100 shares of X stock at $16 per share on July 1, 1951, closes the short sale on August 1, 1951, with 100 shares of X stock purchased on that date at $18 per share, and on August 2, 1951, sells at $18 per share the 100 shares of X stock purchased on February 1, 1951. The $200 loss sustained upon the closing of the short sale is a short-term capital loss to which section 117 (1) has no application. By application of rule (2), however, the holding period of the 100 shares of X stock purchased on February 1, 1951, and sold on August 2, 1951, is considered to begin on August 1, 1951, the date of the closing of the short sale. The $800 gain realized upon the sale of such stock is, therefore, a short-term capital gain.

Example (3). A buys 100 shares of X stock at $10 per share on February 1, 1951, sells short 100 shares of X stock at $16 per share on September 1, 1951, sells on October 1, 1951, at $18 per share the 100 shares of X stock purchased on February 1, 1951, and closes the short sale on October 1, 1951, with 100 shares of X stock purchased on that date at $18 per share. The $800 gain realized upon the sale of the 100 shares of X stock purchased on February 1, 1951, is a long-term capital gain to which section 117 (1) has no application. Since A had held 100 shares of X stock on the date of the short sale for more than 6 months, the $200 loss sustained upon the closing of the short sale is, by application of rule (3), a long-term capital loss.

Example (4). A sells short 100 shares of X stock at $16 per share on February 1, 1951. He buys 250 shares of X stock on March 1, 1951, at $10 per share and holds the latter stock until September 2, 1951 (more than 6 months), at which time, 100 of the 250 shares of X stock are delivered to close the short sale made on February 1, 1951. Since substantially identical property was acquired by A after the short sale and before it was closed, the $600 gain realized on the closing of the short sale is, by application of rule (1), a short-term capital gain. The holding period of the remaining 150 shares of X stock is not affected by section 117 (1), since this amount of the substantially identical property exceeds the quantity of the property sold short.

Example (5). A buys 100 shares of X stock at $10 per share on February 1, 1951, buys an additional 100 shares of X stock at $20 per share on July 1, 1951, sells short 100 shares of X stock at $30 per share on September 1, 1951, and closes the short sale on February 1, 1952, by delivering the 100 shares of X stock purchased on February 1, 1951, to the lender of the stock used to effect the short sale. Since 100 shares of X stock had been held by A on the date of the short sale for not more than 6 months, the gain of $2,000 realized upon the closing of the short sale is, by application of rule (1), a short-term capital gain, and the holding period of the 100 shares of X stock purchased on July 1, 1951, is considered, by application of rule (2), to begin on February 1, 1952, the date of the closing of the short sale. If, however, the 100 shares of X stock purchased on July 1, 1951, had been used by A to close the short sale, then, since 100 shares of X stock had been held by A on the date of the short sale for not more than 6 months, the gain of $1,000 realized upon the closing of the short sale would be, by application of rule (1), a short-term capital gain, but the holding period of the 100 shares of X stock purchased on February 1, 1951, would not be affected by section 117 (1). If, on the other hand, A purchased an additional 100 shares of X stock at $40 per share on February 1, 1952, and used such shares to close the short sale at that time, then, since 100 shares of X stock had been held by A on the date of the short sale for more than 6 months, the loss of $1,000 sustained upon the closing of the short sale would be, by application or rule (3), a long-term capital loss, and since 100 shares of X stock had been held by A on the date of the short sale for not more than 6 months, the holding period of the 100 shares of X stock purchased on July 1, 1951, would be considered, by application of rule (2), to begin on February 1, 1952, but the holding period of the 100 shares of X stock purchased on February 1, 1951, would not be affected by section 117 (1).

Example (6). A buys 100 shares of X preferred stock at $10 per share on February 1, 1951. On July 1, 1951, he enters into a contract to sell 100 shares of XY common stock at $16 per share when, as, and if issued pursuant to a particular proposed plan of reorganization. On August 2, 1951, he receives 100 shares of XY common stock in exchange for the 100 shares of X preferred stock purchased on February 1, 1951, and delivers such common shares in performance of his July 1, 1951, contract. Assume that the exchange of the X preferred stock for the XY common stock is a tax-free exchange pursuant to section 112 (b) (3), and that on the basis of all of the facts and circumstances existing on July 1, 1951, the "when issued" XY common stock is substantialy identical to the X preferred stock. Since 100 shares of substantially identical property had been held by A for not more than 6 months on the date of entering into the July 1, 1951, contract of sale, the gain of $600 realized upon the closing of the contract of sale is, by application of rule (1), a short-term capital gain.

(c) *Other rules for the application of section 117 (1)*—(1) *Substantially identical property.* The term "substantially identical property" is to be applied according to the facts and circumstances in each case. In general, as applied to stocks or securities, the term has the same meaning as the term "substantially identical stocks or securities" used in section 118, relating to wash sales of stock or securities. For certain restrictions on the term as applied to commodity futures see subparagraph (2) of this paragraph. Ordinarily, stocks or securities of one corporation are not considered substantially identical to stocks or securities of another corporation. In certain situations they may be substantially identical; for example, in the case of a reorganization the facts and circumstances may be such that the stocks and securities of predecessor and successor corporations are substantially identical property. Similarly, bonds or preferred stocks of a corporation are not ordinarily considered substantially identical to the common stock of the same corporation. However, in certain situations, as, for example, where the preferred stock or bonds are convertible into common stock of the same corporation, the relative values, price changes, and other circumstances may be such as to make such bonds or preferred stock and the common stock substantially identical property. Similarly, depending on the facts and circumstances, the term may apply to the stocks and securities to be received in a corporate reorganization or recapitalization, traded in on a when issued basis, as compared with the stocks or securities to be exchanged in such reorganization or recapitalization.

(2) *Commodity futures.* As provided in section 117 (1) (3) (B) (ii), in the case of futures transactions in any commodity on or subject to the rules of a

board of trade or commodity exchange, a commodity future requiring delivery in one calendar month shall not be considered as property substantially identical to another commodity future requiring delivery in a different calendar month. For example, commodity futures in May wheat and July wheat are not considered, for the purpose of section 117 (1), substantially identical property. Similarly, futures in different commodities which are not generally through custom of the trade used as hedges for each other (such as corn and wheat, for example) are not considered substantially identical property. If commodity futures are otherwise substantially identical property the mere fact that they were procured through different brokers will not remove them from the scope of the term "substantially identical property". Commodity futures procured on different markets may come within the term "substantially identical property" depending upon the facts and circumstances in the case, with the historical similarity in the price movements in the two markets as the primary factor to be considered.

Since section 117 (1) applies only to sales or exchanges of capital assets, bona fide hedging transactions in commodity future entered into by flour millers, producers of cloth, operators of grain elevators, etc., for the purpose of their business, and which do not give rise to capital gain or loss, are not within the scope of section 117 (1).

Section 117 (1) (3) (C), relating to so-called "arbitrage" transactions in commodity futures, provides that where a taxpayer enters into two commodity futures transactions on the same day, one requiring delivery by him in one market and the other requiring delivery to him of the same (or substantially identical) commodity in the same calendar month in a different market, and the taxpayer subsequently closes both such transactions on the same day, section 117 (1) shall have no application to so much of the commodity involved in either such transaction as does not exceed in quantity the commodity involved in the other.

The following example indicates the application of section 117 (1) to a commodity futures transaction:

Example. A, who makes his return on the basis of the calendar year, on February 1, 1951, enters into a contract through broker X to purchase 10,000 bushels of December wheat on the Chicago market at $2 per bushel. On July 1, 1951, he enters into a contract through broker Y to sell 10,000 bushels of December wheat on the Chicago market at $2.25 per bushel. On August 2, 1951, he closes both transactions at $2.50 per bushel. The $2,500 loss sustained on the closing of the short sale is a short-term capital loss to which section 117 (1) has no application. By application of rule (2) in subsection (b) of this section, however, the holding period of the futures contract entered into on February 1, 1951, is considered to begin on August 2, 1951, the date of the closing of the short sale. The $5,000 gain realized upon the closing of such contract is, therefore, a short-term capital gain.

(3) *Husband and wife.* Section 117 (1) (3) (B) (iii), provides that in the case of a short sale of property by an individual, the term "taxpayer" shall be read as "taxpayer or spouse". Thus, if the spouse of a taxpayer holds or acquires property substantially identical to that sold short by the taxpayer, and the other conditions of this section are met, then the rules set forth herein are applicable to the same extent as if the taxpayer held or acquired the substantially identical property. For this purpose, an individual who is legally separated from the taxpayer under a decree of divorce or of separate maintenance shall not be considered as the spouse of the taxpayer.

[F. R. Doc. 51-11349; Filed, Sept. 19, 1951; 8:53 a. m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 116]

LIEN AND SEIZURE OF AIRCRAFT

NOTICE OF PROPOSED RULE MAKING

AUGUST 24, 1951.

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003), notice is hereby given of the proposed issuance by the Attorney General of the following rule relating to seizure of aircraft by immigration officers. In accordance with subsection (b) of the said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 1063, Temporary Federal Office Building X, 19th and East Capitol Streets, NE., Washington 25, D. C., written data, views and arguments relative to the substantive provisions of the proposed amendment. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

The following amendments to § 116.60, *Penalties*, of Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

1. The second sentence of paragraph (c) is amended to read as follows: "If the deposit of the amount of the proposed penalty is not made with the collector of customs or acceptable bond is not furnished providing for the payment of such penalty, or so much thereof as may not be remitted or mitigated by the Attorney General, clearance of the aircraft shall be withheld by the collector of customs; and in case the violation is by the owner or person in command of the aircraft and is subject to the civil penalty of $500 authorized by section 11 (b) of the Air Commerce Act of 1926, as amended, the penalty shall be a lien against the aircraft, which shall be seized by the immigration officer in charge of the district or immigrant inspector designated by him, and placed in the custody of the customs officer in charge at the port of entry or customs station nearest the place of seizure."

2. The third sentence of paragraph (c) is deleted.

(Sec. 7 (d), 44 Stat. 572; sec. 1, 54 Stat. 1238; 49 U. S. C. 177 (d))

J. HOWARD MCGRATH,
Attorney General.

Recommended: August 24, 1951.

ARGYLE R. MACKEY,
Commissioner,
Immigration and Naturalization.

[F. R. Doc. 51-11319; Filed, Sept. 19, 1951; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 947]

[Docket No. AO-113-A13]

HANDLING OF MILK IN FALL RIVER, MASS., MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER NOW IN EFFECT

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Fall River, Massachusetts, on April 12 and 13, 1951, pursuant to notice thereof which was issued on March 14, 1951 (16 F. R. 2517), upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on August 14, 1951, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on August 18, 1951 (16 F. R. 8241; Doc. 51-9834).

Rulings. Within the period reserved for exceptions, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions, and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

The material issues presented on the record of the hearing were whether:

1. A method should be provided for computing a composite wage index for use in the Class I formula.

2. The formulas for the Class II prices and the butterfat differential should be revised to reflect any changes made in the Class II price formula and butterfat differential under the Boston order.

3. The operator of a milk plant should be made the responsible handler with respect to payment, reporting and other obligations imposed by the order for all milk and milk products received at such plant.

4. Class price differentials at country plants should be established to provide prices equivalent at competing country points to similar class prices established under the Boston order.

5. The classification provisions should be revised with respect to milk and milk drinks transferred to plants subject to another Federal order.

6. Handlers should be required to furnish producers detailed monthly statements at the time of payment and weight statements each day.

7. The definition of producer-handler should be revised.

8. The market administrator should develop a weighing and testing program for the entire market and establish standards for drawing composite samples.

9. The marketing area should be extended.

10. The definitions of producer and of dairy farmers designated for other markets should be revised.

11. The assignment to classes of milk received from certain sources should be revised.

12. The provisions pertaining to verification of handler's reports should be rephrased.

Findings and conclusions. (1) Since the publication of the farm wage rates previously specified in the order provisions for use in determining the feed-labor index in the Class I price formula has been discontinued, action on issue No. (1) was necessitated prior to this decision. Accordingly on July 20, 1951, the Secretary issued a final decision with respect to this issue. The following findings and conclusions on issues Nos. (2) through (12) are based upon the evidence introduced at the hearing and the record thereof and are supplementary to the findings and conclusions made with respect to the aforesaid decision.

(2) The proposal to make such changes in the Class II pricing provisions as are necessary to maintain the present relationship to the Boston Class II price should be adopted. The present basis of Class II pricing was established so that the Fall River Class II price would move with the price of milk for similar use in the Boston market. Since the handling of milk for the Fall River and Boston markets is closely interrelated, it is essential that any changes in the Boston Class II pricing be reflected in the Fall River Class II pricing. The butterfat differential in the Fall River market has been determined by a formula similar to that used in the Boston market. Therefore, in the computation of the butterfat differential the factor representing the weight of a can of 40 percent cream should be considered 33 pounds, rather than the 33.48 pounds now indicated by the order. A similar revision has been recommended for the Boston order. The proposals to revise the butterfat differential formula to accomplish effects other than maintaining the present alignment to similar provisions of the Boston order were not supported by the evidence. Accordingly no further changes should be made on the basis of this record.

(3) The proposal to amend the order to provide that the operator of a milk plant be the responsible handler with respect to payment, reporting and other obligations under the order for all milk and milk products received at such plant should be adopted. The operator of a plant is the logical person to be held responsible for maintaining an accurate record of the weight and test of milk received from producers. The plant operator has control of the receiving function and should be responsible for maintaining proper records of such receipts. Since the operator of the receiving plant takes possession physically of milk delivered by producers, he should be held responsible for paying producers and for other obligations imposed by the order upon a handler. The handler definition should be sufficiently broad to include a cooperative association, irrespective of whether such cooperative association operates a plant, with respect to producer milk which it markets for its account, disposing of all, or a portion of, such milk to other handlers. Such a provision gives to producers greater assurance of an outlet for their milk by permitting an association to market the milk of its members for the account of the association when no market exists for such milk as milk from individual producers.

A handler proposed that his own farm production be regarded as a receipt at his own milk plant even though the milk was moved directly from his farm to another handler's plant. Such milk is now regarded as a delivery by a producer to the other handler. To consider the movement as a transfer between handlers would relieve the person who actually received the milk from the usual responsibility for paying minimum order prices for such milk. Since there appears to be no reason for exempting such deliveries from minimum price regulation the proposal to call such producer deliveries, transfers between handlers, should not be adopted.

(4) Price differentials for Class I and Class II milk received from producers at country plants should result in prices equivalent to prices established for similar classes of milk received at nearby Boston country plants.

The order presently provides that Class I milk received at a country plant located in excess of 100 miles from Fall River be priced at 13 cents plus rail tariff cost below the city plant price. Such pricing results in substantial price disparity between competing Boston and Fall River country plants with the result that Boston handlers can supply milk to Fall River at a significantly lower price than can Fall River country plants. While the present nearby supply of producer milk is insufficient to meet the Class I requirement for the market the development of country station supplies is seriously impaired by the disparity in pricing. In order to provide greater market stability it is highly desirable that Fall River and Boston country plant Class I prices be equalized at competing points. The proposed schedule of zone differentials hereinafter set forth assures such a pricing in the country plant zones. These differentials take cognizance of existing rail tariff rates as published in the New England Joint Tariff Bulletin—M No. 6. Any revisions in such rates should be reflected through corresponding changes in the zone differentials.

It was proposed at the hearing that Class II prices at country plants be established at the price which would be effective for a country plant if it were subject to the Boston order. The present schedule of Class II price differentials comes close to accomplishing the same result since the prices are generally equivalent at country points even though distances are measured from Fall River with allowance made for the greater mileage from Fall River to the country plant area than from Boston to the same points. It is concluded, therefore, that no further adjustment is needed.

(5) The present transfer provisions, with respect to the disposition of milk to other Federal order markets, should be revised to permit, in the case of transfer to Boston order plants, the classification of such milk in accordance with the classification in the transferee plant. The present order provisions restrict the quantity of such milk classified as Class II milk to the actual Class II use in the buyer plant. The provisions of the Boston order, on the other hand, treat receipts from Fall River handlers as outside milk, assign such receipts to Class II milk irrespective of use, and require a compensatory payment of the difference between the Class I and Class II prices on all receipts of outside milk in excess of the actual Class II utilization. Facilities for handling surplus milk in the Fall River market are very limited and the proximity of Fall River to Boston makes Boston a potential outlet for such surplus milk. Accordingly, the order provisions should be written to permit such movement on an equivalent classification basis. Since the Boston producers receive credit for all Class I sales through the compensatory payment requirements, it is unlikely that the affected handlers in either Fall River or Boston could obtain any pricing advantage through such a transaction.

(6) The order should be revised to require that each handler in making payment to producers shall furnish each producer with a supporting statement setting forth the basis on which the amount for which the check is written was computed including a statement of the minimum price required under the order provisions. Issuance of such a statement is in accordance with reasonable business practice and is required under several Federal milk orders.

It was proposed also that handlers be required to furnish each producer a daily statement of the weight of milk received from him. Although such a statement would provide the producer with an immediate accounting for each milk shipment, the rendering of such a statement would impose a further obligation on handlers which does not appear to be necessary. The producer

himself can maintain a record of his daily shipments to check against the detailed statement issued at the time payment is made. It is concluded that handlers should not be required to furnish producers with daily weight statements.

(7) The proposal to eliminate the present requirement that a producer-handler handle less than a specified volume of milk to maintain the exemptions accorded a producer-handler should not be adopted. Special status as producer-handlers is accorded to certain small distributors who handle no milk of other producers. The effect of such small distribution on the stability of the market is negligible and the per hundredweight cost of administering the order with respect to such small distributors would be greatly increased by requiring reporting and accounting by such handlers with the same exactness as is required of larger distributors. The basis for such exemption does not exist for handlers who dispose of more than 1,000 pounds of milk and milk drinks on a daily average.

(8) The proposals to amend the order to require specifically that the market administrator establish and supervise a systematic check of milk weights and butterfat tests and regulate the method of taking composite samples of producer milk should not be adopted. The responsibility for establishing such standards is inherent in the obligation to perform the verification and checking required by the order. The order requires that the market administrator verify the payments by handlers on the basis of correct weights and tests through a checking program carried on by the market administrator for producers who are not members of an association of producers. In the case of producers for whom an association is receiving the marketing service payment the Secretary is responsible for determining that such association is actually performing the marketing service functions. In making such determination the Secretary may rely upon the current investigation made by the market administrator of services performed by eligible associations of producers. Accordingly it is desirable that this responsibility of the market administrator be set forth in the order.

(9), (10), (11). Issues numbered (9), (10), and (11) dealt with various phases of the problem of determining the scope of handlers operations which should be covered by the order. The present order fails to regulate by minimum prices certain designated milk received by handlers for disposition outside the marketing area. It also permits exemption from regulation of milk claimed to be received from other Federal order markets. This exemption applies to milk priced under the New York order at the Class I C price which is considerably lower than the Class I price under the Fall River order and to milk which may be designated as a receipt from another Federal order plant although a claim is made on the identical quantity of milk for similar exemptions under another Federal order.

One proposal to reduce the volume of unpriced milk which handlers maintain in plants at which milk is received from producers was to extend the boundaries of the marketing area. Another proposal was to restrict the manner in which a handler can shift dairy farmers to and from the status of producers merely by a transfer of the dairy farmers names on the payroll. Other proposals would reduce the circumstances in which exemptions from minimum price regulation would be afforded because the handlers claimed receipts were originally priced under another Federal order. Proposals of minor significance would define more precisely the order of assignment to Class I and Class II of milk received from producers and from other sources.

Although the record contains considerable testimony concerning the problems involved in the administration of the order according to its present terms the evidence indicates that the proposed changes would only make certain shifts in the quantities of unpriced milk being received at handlers plants.

Since these proposals do not appear from the record to be capable of effecting any substantial reduction in the quantity of milk which handlers maintain in a price-exempt category, no changes reflecting these proposals should be made on the basis of this record.

(12) The proposal to rephrase the provisions pertaining to verification of handlers' reports should be adopted. The proposed language more clearly defines the obligations and responsibility involved in the verification process. Since the order is to be rewritten to incorporate all amendments, it is desirable to adopt such improvements at this time.

General findings. (a) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the said tentative marketing agreement upon which the hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) of the act are not reasonable in view of the price of feed, available supplies of feed, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, are such as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Fall River, Massachusetts, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Fall River, Massachusetts, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

Order directing the conduct of a referendum, determination of representative period, and designation of a referendum agent. Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among producers (as defined in the order, as amended, and as hereby proposed to be further amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area) who, during the month of April 1951 were engaged in the production of milk for sale in the marketing area specified in the aforesaid order, as amended, and as hereby proposed to be further amended, to determine whether such producers favor the issuance of the order, as amended, which is a part of this decision of the Secretary of Agriculture.

The month of April 1951 is hereby determined to be the representative period for the conduct of such referendum.

John J. Hogan is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this decision is issued.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 17th day of September 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order [1] Amending the Order, as Amended Regulating the Handling of Milk in the Fall River, Massachusetts, Marketing Area

§ 947.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of prac-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

tice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order as amended, and as hereby further amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Fall River, Massachusetts, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 947.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 947.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 947.3 *Fall River, Massachusetts, marketing area.* "Fall River, Massachusetts, marketing area," hereinafter called the "marketing area" means the city of Fall River and the town of Somerset, both in the Commonwealth of Massachusetts, and the town of Tiverton in the State of Rhode Island.

§ 947.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 947.5 *Dairy farmer.* "Dairy farmer" means any person who produces milk.

§ 947.6 *Producer.* "Producer" means any dairy farmer, irrespective of whether such dairy farmer is also a handler, whose milk is received at a plant from which Class I milk is shipped to, or sold in, the marketing area either directly or through another plant during the delivery period: *Provided,* That a dairy farmer shall not be a producer within this definition:

(a) If minimum prices are required to be paid to him under provisions of any other Federal order;

(b) If milk delivered by him is determined by the market administrator to be a part of the handler's normal supply for a market other than the marketing area and (1) is classified in Class II or is disposed of outside the marketing area and is classified as Class I, or (2) is moved to a plant from which the quantity of Class I milk sold or distributed in the marketing area during the delivery period is no greater than the quantity of Class I milk received during the delivery period at such plant from Fall River handlers plus the quantity of bulk milk received from a Federal order plant during the delivery period; or

(c) If his milk is delivered to a plant located outside Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and New York.

§ 947.7 *Dairy farmers designated for other markets.* "Dairy farmers designated for other markets" means those dairy farmers which are reported to the market administrator by a handler as his normal supply for a market other than the marketing area.

§ 947.8 *Cooperative association.* "Cooperative association" means any association of producers or producers and dairy farmers which the Secretary determines (a) to have its entire activities under the control of its members, and (b) to have and to be exercising full authority in the sale of milk of its members.

§ 947.9 *Handler.* "Handler" means any person, irrespective of whether such person is also a dairy farmer, a producer, or a cooperative association, who operates a plant at which he receives milk from producers, dairy farmers, cooperative associations, or other handlers, all or a portion of which milk is disposed of as Class I milk in the marketing area during the delivery period. The term shall also include a cooperative association which does not operate a plant, with respect to producer milk which it markets for its account, disposing of all or a portion thereof to other handlers.

§ 947.10 *Producer-handler.* "Producer-handler" means a producer who is also a handler who receives no milk from producers and who, during the delivery period, disposes of no more than 1,000 pounds on a daily average of milk and milk drinks other than in bulk to another handler or producer-handler: *Provided,* That such handler shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the maintenance, care, and management of the dairy animals and other resources necessary for the production of milk in his name are and continue to be the personal enterprise of and at the personal risk of such producer and the processing, packaging, and distribution of the milk are and continue to be the personal enterprise of and at the personal risk of such producer in his capacity as a handler.

(a) Sections under headings "Minimum Prices", "Payments for Milk", "Marketing Service Deductions", and "Administration Expense" are not applicable to any producer-handler as defined in this subpart.

(b) Milk received by a handler from a producer-handler shall be considered as being received from a producer.

§ 947.11 *Milk.* "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of 1 percent but less than 16 percent, frozen milk, and reconstituted milk.

§ 947.12 *Concentrated milk.* "Concentrated milk" means any unsterilized liquid milk product, other than those products commonly known as evaporated milk and sweetened condensed milk, which is obtained by the evaporation of water from milk and milk to which any other milk product may be added in the process of manufacture. For purposes of this part the weight of the fluid milk products used to produce the concentrated milk shall be used rather than the actual weight of the concentrated milk.

§ 947.13 *Milk drinks.* "Milk drinks" means flavored milk, skim milk, flavored skim milk, cultured skim milk, and buttermilk, either individually or collectively.

§ 947.14 *Fluid milk products.* "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

§ 947.15 *Other source milk.* "Other source milk" means all milk and milk products received by a handler which is not producer milk, milk delivered by dairy farmers designated for other markets, or milk and milk drinks from a Federal order plant.

§ 947.16 *Federal order.* "Federal order" means any order of the Secretary regulating the handling of milk pursuant to the act.

§ 947.17 *Federal order plant.* "Federal order plant" means any plant at which the milk is subject to the minimum pricing provisions of another Federal order during the delivery period.

§ 947.18 *Hundredweight.* "Hundredweight" means one hundred pounds of milk or its volume equivalent, considering 85 pounds of milk and 86 pounds of skim milk per 40-quart can, and 2.15 pounds of milk per quart.

§ 947.19 *Delivery period.* "Delivery period" means the calendar month, or the portion thereof, during which the provisions of this subpart are effective.

MARKET ADMINISTRATOR

§ 947.30 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected and subject to removal

by the Secretary. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary. The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

§ 947.31 *Powers.* The market administrator shall have the power to:

(a) Administer the terms and provisions of this subpart;

(b) Report to the Secretary complaints of violations of this subpart;

(c) Make rules and regulations to effectuate the terms and provisions of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

§ 947.32 *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(a) Keep such books and records as will clearly reflect the transactions provided for in this subpart;

(b) Submit his books and records for examination by the Secretary at any and all times;

(c) Furnish such information and such verified reports as the Secretary may request;

(d) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(e) Publicly disclose, after reasonable notice, the name of any person who has not made reports or payments required by the subpart;

(f) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this subpart as do not reveal confidential information;

(g) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(h) Pay out of the funds received pursuant to § 947.80 the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties;

(i) Promptly verify the information contained in the reports submitted by handlers; and

(j) Verify, subject to review by the Secretary, evidence furnished by handlers pursuant to § 947.10, such verification to be made within 15 days of the date of receipt of such evidence, and to be effective from the first day of the delivery period during which verification is made.

REPORTS OF HANDLERS

§ 947.35 *Submission of reports.* Each handler shall report to the market administrator in the form and detail prescribed by the market administrator as follows:

(a) On or before the 8th day after the end of each delivery period, the receipts of milk and milk products at each plant from producers, from other handlers, from such handler's own production, from any other sources during the delivery period, and inventories on hand at the beginning and end of each such delivery period;

(b) On or before the 8th day after the end of each delivery period, the respective quantities of milk and milk products which were sold, distributed, or disposed of, including sales or deliveries to other handlers during the delivery period, for the several purposes and classifications as set forth in this subpart;

(c) On or before the 20th day of each delivery period, each handler shall report to the market administrator the receipts of milk from producers received during the first 15 days of such delivery period showing for each producer:

(1) The daily and total receipts of milk;

(2) The average butterfat test thereof; and

(3) The current post-office address and farm location of producers for whom information has not been previously reported.

(d) On or before the 8th day after the end of each delivery period, each handler shall report to the market administrator his receipts of milk from producers received during the period from the 16th through the last day of the delivery period showing for each producer:

(1) The daily and total receipts of milk;

(2) The average butterfat test thereof; and

(3) The current post-office address and farm location of producers for whom information has not been previously reported.

(e) On or before the 25th day after the end of each delivery period each handler shall submit to the market administrator his producer records for such delivery period which shall show for each producer:

(1) The total pounds of milk delivered and the average butterfat test thereof; and

(2) The net amount of such handler's payments to each producer and each cooperative association made pursuant to § 947.65 together with the prices, deductions, and charges involved.

(f) On or before the 18th day after the end of the first delivery period following the effective date of this subpart, a schedule of the transportation rates which were charged and paid for the transportation of milk from the farm of each producer to such handler's receiving plant and such information with respect to distances involved as the market administrator may require;

(g) On or before the 18th day after any changes are made in the schedule filed in accordance with paragraph (f) of this section, a copy of the revised schedule with the effective dates of such changes as may appear in the revised schedule; and

(h) On or before the 8th day after the end of each delivery period, dairy farmers designated for other markets.

§ 947.36 *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this subpart or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual business hours, to:

(a) Verify the information contained in reports submitted in accordance with this subpart;

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as the market administrator finds necessary for the purpose specified in this section.

§ 947.37 *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the delivery period and the quantities of milk and milk products on hand at the end of the delivery period.

§ 947.38 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 947.40 *Responsibility of handlers.* In establishing the classification of milk and milk products received by a handler, the burden rests upon the handler who received milk from producers to account for all milk and milk products received at each plant at which milk is received from producers, and to prove that such milk and milk products should not be classified as Class I. The burden rests upon the handler who distributes milk and milk drinks in the marketing area to establish the source of all milk and milk products received.

§ 947.41 *Classes of utilization.* The classes of utilization of milk and milk products shall be as follows subject to §§ 947.42 and 947.43.

(a) Class I milk shall be all milk and milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all milk and milk products the utilization of which is accounted for as:

(1) Sold, distributed, or disposed of other than as milk which contains one-half of 1 percent or more but less than 16 percent of butterfat, and other than as concentrated milk for fluid consumption, chocolate or flavored whole milk or skim milk, buttermilk, or cultured skim milk, for human consumption; and

(2) Actual plant shrinkage not in excess of 2 percent of milk and milk drinks received from all sources including the handler's own production but not including receipts from other handlers who receive milk from producers or milk and milk products received completely processed and packaged from a Federal order plant.

§ 947.42 *Transfers of milk and milk drinks from a plant at which milk is received from producers.* (a) Transfers to a producer-handler shall be Class I.

(b) Transfers to another handler not a producer-handler or to a Federal order plant shall be classified as reported by the seller, or if the seller submits no report, as reported by the buyer: *Provided,* That, except in the case of transfers to a Boston Federal order plant, the quantity classified as Class II milk shall not exceed the total quantity of Class II milk of such buyer during the delivery period.

(c) Transfers to a plant, other than a handler's plant at which milk is received from producers or a Federal order plant, shall be Class I not to exceed the total Class I at such plant during the delivery period.

§ 947.43 *Classification of milk and milk products received at plants at which milk is received from producers.* For each delivery period each handler shall report the classification of milk and milk products which were received at plants at which milk is received from producers by making computations in the order indicated as follows:

(a) Determine the pounds of milk and milk products received at all plants of the handler at which milk is received from producers;

(1) From producers, including own production;

(2) From dairy farmers designated for other markets;

(3) In the form of milk products received completely processed and packaged from a Federal order plant;

(4) In the form of bulk milk and milk drinks received from another Federal order plant;

(5) From other handlers who receive milk from producers; and

(6) From other sources, and the total,

(b) Determine the total pounds of milk and milk products utilized in Class II products including allowable plant shrinkage as provided in § 947.41 (b) (2).

(c) Prorate allowable plant shrinkage classified as Class II to receipts from producers, from dairy farmers designated for other markets, bulk receipts of milk and milk drinks from other Federal order plants, and milk and milk drinks from other source milk, and deduct such plant shrinkage from total Class II computed pursuant to paragraph (b), of this section.

(d) Classify remaining other source milk and milk products as Class II in an amount no greater than the amount of the Class II remaining.

(e) From the remaining pounds in each class deduct:

(1) The quantity of milk and milk products received from other handlers who receive milk from producers which is classified according to § 947.42 (b); and

(2) Milk and milk products received completely processed and packaged from a Federal order plant classified according to the actual use established.

(f) Prorate remaining Class II to receipts of milk and milk drinks from producers, from dairy farmers designated for other markets, and bulk receipts from Federal order plants: *Provided,* That receipts from producers classified as Class II inclusive of plant shrinkage shall not exceed 5 percent of the total quantity received from producers, in any delivery period except April, May, and June.

(g) Deduct any remaining Class II amounts from the total quantity received from producers and the remainder is Class I producer milk.

(h) From the total receipts from each source listed in paragraph (a) of this section deduct the amount classified as Class II for each source in paragraphs (c), (d), (e), (f), and (g) of this section and the remainder from each source is Class I: *Provided,* That the total Class I utilization in the marketing area is not more than the Class I producer milk determined in this paragraph plus Class I milk received from Federal order plants and Class I milk from plants located outside Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island and New York.

MINIMUM PRICES

§ 947.50 *Class I prices.* Each handler shall pay producers or cooperative associations for Class I milk containing 3.7 percent butterfat delivered by them to plants located within 100 miles of the City Hall in Fall River, not less than the price per hundredweight determined for each delivery period pursuant to this section. In determining the Class I price for each delivery period, the latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations; except that if the 25th day of the preceding month falls on a Sunday or legal holiday, the latest reported figures available on the work day next succeeding shall be used:

(a) Divide by 0.98 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the year 1926 as the base period.

(b) Divide by 3 the sum of the three latest monthly indexes of department store sales in the Boston Federal Reserve District adjusted for seasonal variation as reported by the Federal Reserve System with the years 1935–39 as the base period and divide the result so obtained by 1.26.

(c) Compute an index of grain-labor costs in the Boston milkshed in the following manner:

(1) Compute the simple average of the four latest weekly average retail prices per ton of dairy ration in the Boston milkshed, as reported by the United States Department of Agriculture, divide by 0.5044 and multiply by 0.6.

(2) Compute the simple average of monthly equivalent farm wage rates for each of the states named below after converting the rates reported by the United States Department of Agriculture to monthly equivalents by multiplying the rates by the factors as follows: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and rate per day without board or room, 26. Next compute a weighted monthly wage rate by combining the average wage rates for the respective states with the weights; Maine 10, Massachusetts, 6, New Hampshire, 7; and Vermont, 77. Divide the weighted average monthly wage rate by 0.6394 and multiply by 0.4.

(3) Add the results determined pursuant to subparagraphs (1) and (2) of this paragraph.

(d) Divide by 3 the sum of the final results computed pursuant to the preceding paragraphs of this section. Express the result as a whole number by dropping fractions of less than one-half or by raising fractions of one-half or more to the next whole number. The result shall be known as the formula index.

(e) Subject to the succeeding paragraphs of this section, the Class I price per hundredweight shall be as shown in the following table:

CLASS I PRICE SCHEDULE

Formula index	Class I price per hundredweight		
	Jan.-Feb.-Mar.-July-Aug.-Sept.	Apr.-May-June	Oct.-Nov.-Dec.
50-56	$2.50	$2.06	$2.94
57-63	2.72	2.28	3.16
64-70	2.94	2.50	3.38
71-77	3.16	2.72	3.60
78-84	3.38	2.94	3.82
85-90	3.60	3.16	4.04
91-97	3.82	3.38	4.26
98-104	4.04	3.60	4.48
105-111	4.26	3.82	4.70
112-118	4.48	4.04	4.92
119-125	4.70	4.26	5.14
126-132	4.92	4.48	5.36
133-139	5.14	4.70	5.58
140-146	5.36	4.92	5.80
147-152	5.58	5.14	6.02
153-159	5.80	5.36	6.24
160-166	6.02	5.58	6.46
167-173	6.24	5.80	6.68
174-180	6.46	6.02	6.90
181-187	6.68	6.24	7.12
188-194	6.90	6.46	7.34

If the formula index is more than 194 the price shall be increased at the same rate as would result from further extension of this table at the rate of extension in the six highest brackets.

(f) The Class I price shall be 44 cents more than the price prescribed in paragraph (e) of this section if, under the provisions of the Boston Federal order, less than 33 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding calendar month

was Class II milk, except that if the operation of this paragraph would cause the Class I price to be more than 88 cents above the Class I price for the corresponding delivery period of the preceding year, its application shall be limited to only such portion of the 44-cent increase as will result in a Class I price for the corresponding delivery period of the preceding year plus 88 cents.

(g) The Class I price shall be 44 cents less than the price prescribed in paragraph (e) of this section if, under the provisions of the Boston Federal order, more than 41 percent of the milk received by all pool handlers from producers during the 12-month period ending with the second preceding calendar month was Class II milk, except that if the operation of this paragraph would cause the Class I price to be more than 88 cents below the Class I price for the corresponding delivery period of the preceding year, its application shall be limited to only such portion of the 44-cent reduction as will result in a Class I price equal to the Class I price for the corresponding delivery period of the preceding year minus 88 cents.

(h) Notwithstanding the provisions of the preceding paragraphs of this section, the Class I price for any of the months of March through June of each year shall not be higher than the Class I price for the immediately preceding delivery period, and the Class I price for any of the months of September through December of each year shall not be lower than the Class I price for the immediately preceding delivery period.

(i) The Class I price determined under the preceding paragraphs of this section shall be increased or decreased to the extent of any increase or decrease in the rail tariff for the transportation of milk in carlots in tank cars for mileage distances of 201–210 miles inclusive, as published in the New England Joint Tariff, M–No. 6 and supplements thereto. The adjustment shall be made to the nearest one-half cent per hundredweight, and shall be effective in the first complete delivery period in which such increase or decrease in the rail tariff applies.

§ 947.51 *Class II prices.* Each handler shall pay producers or cooperative associations for Class II milk containing 3.7 percent butterfat delivered by them to plants located within 100 miles of the City Hall in Fall River, not less than the price per hundredweight determined for each delivery period as follows:

(a) Divide by 33 the weighted average price per 40-quart can of 40 percent bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the month during which such milk is received, multiply by 0.98, and multiply the result by 3.7. If the cream price described above is not reported as indicated, an equivalent determined as follows shall be used in lieu of such cream price: Compute the simple average of the differences between the cream prices reported for the latest three months and the monthly averages of the daily prices, using the mid-point of any range as one price, for Grade A (92-score) butter at wholesale in the Chicago market, as reported for the same months by the United States Department of Agriculture, times 1.22, and times 33. Then add to this amount the average of the butter price described above multiplied by 33 and 1.22 for the current pricing month.

(b) Multiply by 7.85 the simple average of the prices per pound of roller process and spray process nonfat dry milk solids for human consumption, in carlots, f. o. b. Chicago area manufacturing plants, as reported by the United States Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the month during which such milk is delivered.

(c) Add the results obtained in paragraphs (a) and (b) of this section, and from the sum subtract the amount shown below for the applicable month.

Month:	*Amount (cents)*
January and February	67
March and April	79
May and June	85
July	79
August and September	73
October, November, and December	67

(d) For each month following the first month for which the amount determined pursuant to this paragraph is greater than 5 cents, the amount to be subtracted pursuant to paragraph (c) of this section shall be reduced by any plus amount determined as follows:

(1) Compute the simple average of the prices reported by the United States Department of Agriculture for milk for manufacturing purposes, f. o. b. plants United States, for each of the 12 months ending with the preceding month, as adjusted to a 3.7 percent butterfat basis by using the butterfat differential applicable pursuant to § 904.63 of the Boston Federal order for the respective months.

(2) Compute the simple average of the Class II prices effective under the provisions of the Boston Federal order in the 201–210 freight mileage zone for the same 12 months.

(3) Determine the amount, adjusted to the nearest one-half cent, by which the average price computed pursuant to subparagraph (1) of this paragraph exceeds the average price computed pursuant to subparagraph (2) of this paragraph.

§ 947.52 *Country plant price differentials.* In the case of receipts at plants located more than 100 miles from the City Hall in Fall River, the prices determined pursuant to §§ 947.50 and 947.51 shall be subject to differentials based upon the zone location of the plant at which the Class I milk or Class II milk was received. The zone location of each plant shall be based on the distance ascertained by the market administrator as the shortest distance from the plant to the City Hall in Fall River, Massachusetts, over highways on which the highway departments of the governing States permit milk tank trucks to move or on the railway mileage distance to Fall River from the nearest railway shipping point for such plant, whichever is shorter. The applicable zone differentials shall be those set forth in the following table, as adjusted pursuant to § 947.53. For the purpose of this section, the milk which was disposed of during each delivery period by each handler as Class I milk from a plant located within 100 miles of the City Hall in Fall River shall be presumed to have been, first, that milk which was received directly from producers' farms at such plant, and then that milk which was shipped from the nearest plant located more than 100 miles from the City Hall in Fall River.

DIFFERENTIALS FOR DETERMINATION OF ZONE PRICES

A Zone (miles)	B Class I price differentials (cents per cwt.)	C Class II price differentials (cents per cwt.)
Less than 100½	(1)	(1)
101–110	−65.0	−2.5
111–120	−66.5	−2.5
121–130	−66.5	−2.5
131–140	−67.5	−2.5
141–150	−70.0	−2.5
151–160	−71.5	−3.5
161–170	−71.5	−3.5
171–180	−74.0	−3.5
181–190	−74.0	−3.5
191–200	−75.5	−3.5
201–210	−75.5	−5.0
211–220	−79.5	−5.0
221–230	−80.0	−5.0
231–240	−81.0	−5.0
241–250	−81.0	−5.0
251–260	−82.0	−6.5
261–270	−82.5	−6.5
271–280	−83.0	−6.5
281–290	−84.0	−6.5
291–300	−85.0	−6.5
301 and over	−86.0	−7.5

[1] No differential.

§ 947.53 *Automatic changes in zone price differentials.* In case the rail tariff for the transportation of milk in 40-quart cans in carlots of 200 or more cans or for the transportation of cream in 40-quart cans in carlots of 100–199 cans, as published in New England Joint Tariff M No. 6 and supplements thereto or revisions thereof, is increased or decreased, the zone price differentials set forth in § 947.52 shall be correspondingly increased or decreased in the manner and to the extent provided in this section. Such adjustments shall be effective beginning with the first complete month in which the changes in rail tariffs apply. If such rail tariff on milk is changed, the differentials set forth in Column B of the table shall be adjusted to the extent of any such change. If such rail tariff on cream is changed, the differentials set forth in Column C of the table shall be adjusted to the extent of any such change divided by 9.05. Adjustments shall be made to the nearest one-half cent per hundredweight.

§ 947.54 *Butterfat differential.* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator as follows:

Divide by 33 the weighted average price per 40-quart can of 40 percent

bottling quality cream, f. o. b. Boston, as reported by the United States Department of Agriculture for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, subtract 1.5 cents, and divide the result by 10. If the cream price described above is not reported as indicated an equivalent determined as follows shall be used in lieu of such cream price: Compute the simple average of the differences between the cream prices reported for the latest three months and the monthly averages of the daily prices, using the mid-point of any range as one price, for Grade A (92-score) butter at wholesale in the Chicago market, as reported for the same months by the United States Department of Agriculture, times 1.22 and times 33. Then add to this amount the average of the butter prices described above, for the period between the 16th day of the preceding month and the 15th day inclusive of the month during which such milk is delivered, multiplied by 33 and 1.22.

§ 947.55 *Use of equivalent factors in formulas.* If for any reason a price, index or wage rate specified by this subpart for use in computing class prices and for other purposes is not reported or published in the manner described by this subpart, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

§ 947.56 *Announcement of class prices.* The market administrator shall make public announcements of the class prices as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price and the butterfat differential on or before the 12th day after the end of each month.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 947.60 *Computation of value of milk of basic test received by each handler from producers.* For each delivery period the market administrator shall compute the value of milk received by each handler from producers in the following manner:

(a) Multiply the quantity of milk received from producers and classified in Class I and Class II pursuant to § 947.43 by the respective class prices pursuant to §§ 947.50, 947.51 and 947.52; and

(b) Combine the resulting values.

§ 947.61 *Computation of uniform prices.* The market administrator shall compute for each handler the uniform price per hundredweight of milk received from producers during each delivery period in the following manner:

(a) Add to the total value computed pursuant to § 947.60 the total amount of the differentials pursuant to § 947.67; and

(b) Divide the amount computed pursuant to paragraph (a) of this section by the total quantity of milk received from producers. This result shall be the handler's uniform price for milk containing 3.7 percent butterfat for milk delivered at plants located less than 100 miles from the City Hall in Fall River.

§ 947.62 *Announcement of uniform prices.* The market administrator shall, on or before the 12th day after the end of each delivery period, mail to each handler and publicly announce the uniform prices per hundredweight computed pursuant to § 947.61.

PAYMENTS FOR MILK

§ 947.65 *Time and method of payment.* On or before the 1st day after the end of each delivery period, each handler shall make payment to producers for the approximate value of milk received during the first 15 days of such delivery period. On or before the 17th day after the end of each delivery period, each handler shall make payment for the total value of milk received from producers or cooperative associations during the preceding delivery period, computed pursuant to § 947.60 at the uniform price computed pursuant to § 947.61, subject to the differentials set forth in §§ 947.66, 947.67 and 947.68 as follows:

(a) To producers for the quantity of milk received from each producer.

(b) To a cooperative association for milk of producers which it caused to be delivered to a handler and for which milk such association is not a handler but is authorized by such producers to collect payment, a total amount equal to not less than the sum of the payments otherwise payable to such producers individually, pursuant to paragraph (a) of this section.

§ 947.66 *Butterfat differential.* In making the payments to each producer for milk received from him, each handler shall add for each one-tenth of 1 percent average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent average butterfat content below 3.7 percent, an amount per hundredweight calculated by the market administrator pursuant to § 947.54.

§ 947.67 *Country plant differentials.* The payments to be made by handlers to producers, pursuant to § 947.65, shall be subject to the differentials set forth in column B of the table in § 947.52 as adjusted by § 947.53.

§ 947.68 *Other differentials.* In making payments to producers or cooperative associations pursuant to § 947.65, handlers may deduct $0.0075 per hundredweight with respect to milk received from producers in containers supplied by the handler for the transportation of milk from their farms to the handler's plant as rental for such containers.

§ 947.69 *Correction of errors in payments to producers.* Errors in making any of the payments required in this subpart shall be corrected not later than the date for making payments next following the determination of such errors.

§ 947.70 *Statements to producers.* In making the payments to producers prescribed by § 947.65, each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under § 947.65;

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

MARKETING SERVICE DEDUCTIONS

§ 947.71 *Marketing services performed by market administrator.* On or before the 17th day after the end of each delivery period, in making payments to producers pursuant to § 947.65, each handler shall deduct, with respect to milk received from each producer during such delivery period, except as set forth in § 947.72, 4 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient; and shall pay an amount equivalent to such deductions to the market administrator. Such amount shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk received from producers. The market administrator may contract with a cooperative association or associations for the furnishing of the whole or any part of such services to, or with respect to the milk received by handlers from, producers.

§ 947.72 *Marketing services performed by cooperative associations.* On or before the 17th day after the end of each delivery period, in making payments to producers pursuant to § 947.65 each handler shall deduct, with respect to milk received from producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act", and which the market administrator determines is actually performing the services set forth in § 947.71, such amounts as are authorized by such producers, and pay an equivalent amount on or before the 20th day after the end of the delivery period, to the cooperative association rendering such services to its members.

MARKETING COMMITTEE

§ 947.75 *Establishment.* At the request of handlers of more than 50 percent of the milk which is produced for sale in the marketing area, the Director of the Dairy Branch, Production and Marketing Administration, United States Department of Agriculture (hereinafter referred to as Director), may select a committee, to be known as the "Marketing Committee," which shall have as its members representative of the various groups directly interested in the mar-

keting of milk in the marketing area, all of whom may be selected from among the persons nominated by the handlers in accordance with the procedure established by the Director.

§ 947.76 *Duties.* The marketing committee shall have such duties as the Director determines to be necessary and appropriate to effectuate the declared policy of the act in its application to this subpart, as amended, and the administration of this subpart, all of which duties shall be prescribed by the Director.

§ 947.77 *Compensation.* The members of the marketing committee shall serve without compensation but shall be entitled to expenses necessarily incurred by them in the performance of their duties, and such expenses shall be paid by the market administrator out of the assessments collected under this subpart for the cost of administration of this subpart.

§ 947.78 *Supervision.* Each and every act of the marketing committee shall be subject to the continuing right of the Director or the Secretary to disapprove at any time.

§ 947.79 *Procedure.* The procedure to be followed by the marketing committee shall be recommended by the market administrator under this subpart and shall be approved by the Director.

ADMINISTRATION EXPENSE

§ 947.80 *Expense of administration; payments by handlers.* As his pro rata share of the expense of administration of this subpart, each handler not a producer-handler shall, on or before the 17th day after the end of each delivery period, pay to the market administrator 5 cents per hundredweight or such lesser amount as the Secretary may from time to time perscribe with respect to all milk and milk drinks received during such delivery period at a plant or plants described in paragraphs (a) and (b) of this section except milk and milk drinks received from other plants of the type described in paragraphs (a) and (b) of this section: *Provided,* That such handler, which is a cooperative association, shall pay such pro rata share of expense of administration on such milk which it causes to be delivered by member producers to a handler's plant for the marketing area and for which milk such cooperative association collects payment: *And provided further,* That the rate of payment shall be 3 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe with respect to milk and milk drinks assessed for the cost of administration of another Federal order:

(a) A plant at which milk is received from producers.

(b) A plant from which Class I milk is disposed of in the marketing area to persons other than handlers.

OBLIGATIONS

§ 947.85 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 947.90 *Effective time.* The provisions of this subpart, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 947.91.

§ 947.91 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This subpart shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 947.92 *Continuing power and duty of the Market Administrator.* If upon the suspension or termination of any or all provisions of this subpart, there are any obligations arising under this subpart, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such other person as the Secretary may designate, shall:

(a) Continue in such capacity until removed by the Secretary;

(b) From time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the Secretary shall direct; and

(c) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 947.93 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this subpart, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this subpart, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 947.94 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

[F. R. Doc. 51-11369; Filed, Sept. 19, 1951; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 24]

NOTICE TO ALL PERSONS FURNISHING CARS OR PROTECTIVE SERVICE AGAINST HEAT OR COLD

CANCELATION OF ACCOUNTS

SEPTEMBER 7, 1951.

The Commission, by Division 1, having under consideration the matter of emergency facilities, the cost of which may be amortized for income tax purposes, has approved the cancelation effective January 1, 1952, of the following accounts which will by that date have served their purpose:

339, Amortization—Car Service Facilities.
389, Amortization—Icing Facilities.
439, Amortization — Refrigeration Service Facilities.
489, Amortization—Heater Service Facilities.

In keeping with the policy announced August 20, 1951, in connection with accounting for emergency facilities, persons furnishing cars or protective service against heat or cold will be required to reverse charges to those accounts applicable to all emergency facilities acquired subsequent to December 31, 1949, and certified under section 124 (a) of the Internal Revenue Code. However, upon application any such person will be granted authority to provide for accelerated depreciation for any facility that will not be used in transportation service after the present emergency period.

Any interested person may on or before October 12, 1951, file with the Commission written views or arguments to be considered in this connection, and may request oral argument thereon.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-11323; Filed, Sept. 19, 1951; 8:50 a. m.]

[49 CFR Part 324]

NOTICE TO ALL CARRIERS BY INLAND AND COASTAL WATERWAYS

CANCELATION OF ACCOUNT

SEPTEMBER 7, 1951.

The Commission, by Division 1, having under consideration the matter of emergency facilities, the cost of which may be amortized for income tax purposes; has approved the cancelation effective January 1, 1952, of account 414, Amortization of Defense Projects, which will by that date have served its purpose.

In keeping with the policy announced August 20, 1951, in connection with accounting for emergency facilities, such carriers will be required to reverse charges to account 414 applicable to those emergency facilities acquired subsequent to December 31, 1949, and certified under section 124 (a) of the Internal Revenue Code.

Upon application, any carrier by inland and coastal waterways will be granted authority to provide for accelerated depreciation for any facility that will not be used in transportation service after the present emergency period.

Any interested persons may on or before October 12, 1951, file with the Commission written views or arguments to be considered in this Connection, and may request oral argument thereon.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-11322; Filed, Sept. 19, 1951; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FOR TIMBER PRESERVATION PURPOSES [1]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

OSCAR L. CHAPMAN, *Secretary of the Interior.*

SEPTEMBER 14, 1951.

[F. R. Doc. 51-11302; Filed, Sept. 19, 1951; 8:45 a. m.]

[1] *See* F. R. Doc. 51-11301, Title 43, Chapter I, Appendix, *supra.*

ALASKA

NOTICE OF PRIVATE SALE OF LOTS IN TOK TOWNSITE

SEPTEMBER 13, 1951.

Notice is hereby given of the closing of the town lot sale held in Tok Townsite on September 4, 1951. The following unsold lots will hereafter be subject to private entry at the appraised prices shown below:

Block	Lot	Appraised price	Block	Lot	Appraised price
8W	3	$75.00	7E	2	$75.00
	6	75.00		3	75.00
	7	75.00		7	75.00
	8	75.00		8	75.00
	9	75.00		9	75.00
5E	5	100.00	8E	2	75.00
	6	100.00		3	75.00
6E	6	75.00		4	75.00
	7	75.00		5	75.00
	8	75.00		6	75.00
				7	75.00
				8	75.00
				9	75.00

ABE BARBER, *Acting Regional Administrator.*

[F. R. Doc. 51-11320; Filed, Sept. 19, 1951; 8:49 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

SEPTEMBER 7, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following-described lands in the Sacramento, California, land district, embracing approximately 20 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 307

For lease and sale for homesites only;
T. 17 S., R. 29 E., M. D. M.,
Sec. 4, N½NE¼NE¼SE¼, NW¼NE¼SE¼, N½SW¼NE¼SE¼.

The land is located in Tulare County, California, and is about 5 miles east of the Town of Three Rivers. It can be reached over State Highway 198 leading from Visalia, California, to the Sequoia National Park. Part of the land borders the Kaweah River. The area is one that has attractive possibilities for the establishment of mountain homesites. The nearest town that has all of the necessary community services is Visalia, California, approximately 30 miles distant.

2. As to applications regularly filed prior to 8:30 a. m., February 23, 1949, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., November 9, 1951. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., November 9, 1951, to close of business on February 7, 1952.

(b) Advance period for veterans' simultaneous filings from 8:30 a. m., February 23, 1949, to 10:00 a. m., November 9, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., February 8, 1952.

(a) Advance period for simultaneous nonpreference filings from 8:30 a. m., February 23, 1949, to 10:00 a. m., February 8, 1952.

5. Applications filed within the periods mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend east and west in N½N½NE¼SE¼ and north and south in S½NW¼NE¼SE¼ and N½SW¼NE¼SE¼.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one 5-acre tract in a 10-acre subdivision is embraced in a preference right application, an application for the remaining 5-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $15.00 per acre, application for which may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Sacramento, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 51-11346; Filed, Sept. 19, 1951; 8:51 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

SEPTEMBER 7, 1951.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 427 dated August 16, 1950, I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Los Angeles, California Land District, embracing approximately 60 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION
No. 309

For lease and sale for homesites only:

T. 4 N., R. 2 W., S. B. M.,
Sec. 26, Tracts numbered 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17 (Formerly W½SE¼ SE¼ and SW¼SE¼).

The lands are situated in San Bernardino County, California, in a part of what is known as Lucerne Valley. The area is desert in character and the climate is one that is considered to be ideal for health and recreational purposes. The land is about twelve miles from the Town of Victorville, California, where all of the usual community services are available.

2. As to applications regularly filed prior to 12:30 p. m., August 2, 1949, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., November 9, 1951. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., November 9, 1951, to close of business on February 7, 1952.

(b) Advance period for veterans' simultaneous filings from 12:30 p. m., August 2, 1949 to 10:00 a. m., November 9, 1951.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m. February 8, 1952.

(a) Advance period for simultaneous non-preference filings from 12:30 p. m., August 2, 1949, to 10:00 a. m., February 8, 1952.

5. Applications filed within the period mentioned in paragraphs 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimension to extend east and west.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimension specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $50.00 per tract, application for which may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of issuance of the lease.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 51-11347; Filed, Sept. 19, 1951; 8:52 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

LIST OF STATE AND INSULAR AREA OFFICES

NEW MEXICO

The listing of the State Offices and Insular Area Offices of the Production and Marketing Administration set forth in the August 24, 1951 daily issue of the FEDERAL REGISTER, 16 F. R. 8554, is hereby amended to reflect the current address of the State Office in New Mexico. This is the only change necessary in the list. Delete "New Mexico: State College" and insert "New Mexico: Office Square, 1224 North Fourth Street, Albuquerque."

Issued at Washington, D. C., this 17th day of September 1951.

[SEAL] HAROLD K. HILL,
Acting Administrator, Production and Marketing Administration.

[F. R. Doc. 51-11367; Filed, Sept. 19, 1951; 8:53 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of the Administrator

[Determination 1]

APPROVING THE EXTENT OF THE RELAXATION OF CREDIT CONTROLS IN CRITICAL DEFENSE HOUSING AREAS

SECTION 1. *Authority.* This action is taken pursuant to the authority conferred by the Housing and Rent Act of 1947, as amended (Public Law 129, 80th Congress, as amended by Public Law 422 and 464, 80th Congress, Public Laws 31, 574 and 880, 81st Congress; and Public Laws 8, 69, and 96, 82d Congress); and more particularly section 204 (m); and the Defense Production Act of 1950 as amended (Public Law 774, 81st Congress; as amended by Public Law 96, 82d Congress); as implemented by Executive Order 10161 of September 9th, 1950 (15 F. R. 6105) and Executive Order 10276 of July 31st, 1951 (16 F. R. 7535); as further implemented by Economic Stabilization Agency General Order No. 9 of July 31st, 1951 (16 F. R. 7630); and more particularly section 4 (f) thereof; and in view of the joint action taken by the Secretary of Defense and the Director of Defense Mobilization in finding the areas specified herein to be critical defense housing areas by certification dated September 11, 1951 (see Docket Nos. 1, 3, 4, 45, 55, and 97, *infra*); and in view of the defense housing programs for relaxation of credit restrictions approved for said areas by the Housing and Home Finance Agency (CR 2, 16 F. R. 3303, and CR 3, 16 F. R. 3835 as amended), on the dates specified herein, with the concurrence of the Board of Governors of the Federal Reserve System.

SEC. 2. *Determination.* It is hereby determined, after due consideration of relevant factors, that real estate construction credit controls have been relaxed in the following critical defense housing areas to the extent necessary to encourage the construction of housing for defense workers and military personnel.

SEC. 3. *Areas affected.* The critical defense housing areas with respect to which this determination is made and the dates on which the Housing and Home Finance Administrator approved the programs of relaxation of real estate construction credit controls are as follows:

Area	*Date*
1. San Diego, Calif	May 2, 1951, and June 12, 1951.
2. Savannah River	June 25, 1951.
3. Davenport, Iowa; Rock Island-Moline, Ill	June 25, 1951.
4. Brazoria County, Tex	June 28, 1951, and Sept. 5, 1951.
5. Borger, Tex	July 10, 1951.
6. Arco-Blackfoot - Idaho Falls, Idaho	July 25, 1951.

ERIC JOHNSTON,
Administrator.

SEPTEMBER 14, 1951.

SEPTEMBER 11, 1951.

DETERMINATIONS AND CERTIFICATIONS OF CRITICAL DEFENSE HOUSING AREAS

[Docket No. 4]

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947 as amended exist in the area designated as—

San Diego, California, Area (includes the portion of San Diego County lying west of the San Bernardino meridian).

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

GEORGE C. MARSHALL,
Secretary of Defense.
C. E. WILSON,
Director of Defense Mobilization.

[Docket No. 1]

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947 as amended exist in the area designated as—

Savannah River Area (includes Richmond County, Georgia; and Aiken, Allendale, and Barnwell Counties, South Carolina).

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

G. C. MARSHALL,
Secretary of Defense.
C. E. WILSON,
Director of Defense Mobilization.

[Docket No. 45]

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947 as amended exist in the area designated as—

Davenport, Iowa; Rock Island-Moline, Illinois, Area (includes all of Rock Island County, Illinois and Scott County, Iowa).

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

G. C. MARSHALL,
Secretary of Defense.
C. E. WILSON,
Director of Defense Mobilization.

[Docket No. 55]

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947 as amended exist in the area designated as—

Brazoria County, Texas, Area (includes Brazoria County).

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

G. C. MARSHALL,
Secretary of Defense.
C. E. WILSON,
Director of Defense Mobilization.

[Docket No. 97]

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947 as amended exist in the area designated as—

Borger, Texas, Area (includes Hutchinson County).

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

G. C. MARSHALL,
Secretary of Defense.
C. E. WILSON,
Director of Defense Mobilization.

[Docket No. 3]

Upon specific data which has been prescribed by and presented to the Secretary of Defense and the Director of Defense Mobilization and on the basis of other information available in the discharge of their official duties, the undersigned find that the conditions required by section 204 (1) of the Housing and Rent Act of 1947 as amended exist in the area designated as—

Arco-Blackfoot-Idaho Falls, Idaho, Area (includes Butte County; Bingham County, except Sterling, Aberdeen 1 and Aberdeen 2 precincts; and Bonneville County, except Poplar, Antelope, Ozone, Palisade, Grays, Blowout, and Jack-knife precincts).

Therefore, pursuant to section 204 (1) of the Housing and Rent Act of 1947, as amended, and Executive Order 10276 of July 31, 1951, the undersigned jointly determine and certify that the aforementioned area is a critical defense housing area.

G. C. MARSHALL,
Secretary of Defense.
C. E. WILSON,
Director of Defense Mobilization.

[F. R. Doc. 51-11401; Filed, Sept. 18, 1951; 4:56 p. m.]

Office of Price Stabilization

[Ceiling Price Regulation 7, Section 43, Appendix to Special Order 96]

FOLEY MFG. CO.

MANUFACTURER'S SELLING PRICES AND CEILING PRICES AT RETAIL

The following appendix to Special Order 96 under section 43, Ceiling Price Regulation 7, effective June 26, 1951, issued to Foley Manufacturing Company, 3300 Northeast Fifth Street, Minneapolis 18, Minnesota, covering kitchen utensils having the brand name(s) "Foley" lists the manufacturer's selling prices and ceiling prices at retail established by the special order.

Appendix. The manufacturer's selling prices are subject to the following terms: to dept. stores 40 percent from list: 2 percent 10 days, net 30; freight prepaid on minimum 100# shipments. To chain stores 50 percent from list, 2 percent 10 days, net 30, F. O. B. Minneapolis.

Manufacturer's Selling Price to Dept. Stores (per unit)	*Ceiling Prices at Retail to Dept. Stores (per unit)*
$0.234	$0.39
$0.294	0.49
$0.534	0.89
$0.894	1.49
$1.074	1.79
$1.314	2.19
$1.428	2.38
$1.95	3.25
$3.90	6.50

Manufacturer's Selling Price to Chain Stores (per unit)	*Ceiling Prices at Retail to Chain Stores (per unit)*
$0.195	$0.39
$0.245	0.49
$0.445	0.89
$0.745	1.49
$0.895	1.79
$1.095	2.19
$1.19	2.38
$1.625	3.25
$3.25	6.50

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 11, 1951.

[F. R. Doc. 51-11051; Filed, Sept. 11, 1951; 3:13 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 615]

PLATT LUGGAGE INC.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Platt Luggage Inc., 2001 North Elston Avenue, Chicago 14, Illinois.

Brand names: "Guardsman", "Stowaway" and "Airess".

Articles: Men's and women's luggage.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 States and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in Section 8 below to each purchaser for resale to whom, within two months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first deliverey of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling Price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit. / dozen. / etc.} Terms{net. / percent EOM. / etc.}	$_____

9. *Pre-ticketing requirements.* As the applicant to whom this special order is

issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $----------

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 12th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 11, 1951.

[F. R. Doc. 51-11069; Filed, Sept. 11, 1951; 3:18 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 616]

CELEBRITY BRA INC.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. What this order does. Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Celebrity Bra Inc., 148 Madison Avenue, New York City 16, New York.

Brand names: "Secret Charm".

Articles: Women's brassieres.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to preticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 States and the District of Columbia.

Provisions for the applicant—7. Notification to retailers. As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within two months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$----- per-----{unit. dozen. etc.	Terms {net. percent EOM. etc. $-------

9. *Pre-ticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $--------

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 13th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11137; Filed, Sept. 12, 1951; 2:49 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 617]

HATTIE CARNEGIE, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Hattie Carnegie, Inc., 711 Fifth Avenue, New York 22, New York.

Brand names: "Hattie Carnegie".

Articles: Women's apparel.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to preticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within two months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit, dozen, etc.}	Terms{net, percent EOM, etc.} $_____

9. *Pre-ticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $_____

Instead of marking the article you may attach a label, tag, or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 13th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11138; Filed, Sept. 12, 1951; 2:49 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 618]

RIPON KNITTING WORKS

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substan-

tially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers. 1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Ripon Knitting Works, Ripon, Wisconsin.

Brand names: "Ripon".

Articles: Men's, women's and children's lounging footwear with knitted soles.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 States and the District of Columbia.

Provisions for the applicant—7. Notification to retailers. As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within two months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form.

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per _____ {unit. dozen. etc.} Terms {net. percent EOM. etc.}
$_____

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $ _____

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 13th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11139; Filed, Sept 12, 1951; 2:49 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 619]

HARRY ROSENFELD, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Harry Rosenfeld, Inc., 16 East Thirty-fourth Street, New York 16, New York.

Brand names: "Rosenfeld".

Articles: Women's handbags.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to preticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within two months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____ {unit. dozen. etc.} Terms {net. percent EOM. etc.}	$_____

9. *Pre-ticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $_____

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 13th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11140; Filed, Sept. 12, 1951; 2:49 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 620]

QUALITY BEDDING CO.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the Statement of Considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect.

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Quality Bedding Company, Twenty-fifth and Guyan Avenue, Huntington, West Virginia.

Brand names: "Spring Air #30", "Spring Air #50", "Spring Air #70", "Spring Air #80", and "Spring Air #90".

Articles: Mattresses and box springs.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days

after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to preticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. Notification to retailers. As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------ per------{unit, dozen, etc. Terms {net, percent EOM, etc,	$--------

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $--------

Instead of marking the article you may attach a label, tag, or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 13th of September, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11141; Filed, Sept. 12, 1951; 2:50 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 621]

CAROL CRAWFORD, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. What this order does. Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Carol Crawford, Inc., 1400 Broadway, New York 18, New York.

Brand names: "Versatiler".

Articles: Women's dresses.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices

contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. Notification to retailers. As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling Price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1) Price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit. / dozen. / etc.} Terms {net. / percent EOM. / etc.}	$_____

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $_____

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 13th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11142; Filed, Sept. 12, 1951; 2:50 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 622]

BOTANY MILLS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. What this order does. Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Botany Mills, Inc., 84–182 Dayton Avenue, Passaic, New Jersey.

Brand names: "Botany".

Articles: Women's robes.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to preticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later

than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant.—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit. dozen. etc.	Terms{net. percent EOM. etc. $_____

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $_____

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 13th of September, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11143; Filed, Sept. 12, 1951; 2:50 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 623]

LILY OF FRANCE, INC.

CEILING PRICE AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the Statement of Considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Lily of France, Inc., 417 Fifth Avenue, New York 16, New York.

Brand names: "Enhance 21", "Hi-Enhance 21", "Hi-Waist Enhance" and "Enhance".

Articles: Brassieres and girdles.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by an amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per _____ {unit, dozen, etc.} Terms {net, percent EOM, etc.} $_____

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $_____

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 13th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11144; Filed, Sept. 12, 1951; 2:51 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 624]

LUCILLE BAGS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the Statement of Considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Lucille Bags, Inc., 277 Fifth Avenue, New York 16, New York.

Brand names: "Lucille De Paris".

Articles: Women's handbags.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the

order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit. dozen. etc.	Terms {net. percent EOM. etc. $_____

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $_____

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 13th of September, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11145; Filed, Sept. 12, 1951; 2:51 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 625]

FORTUNE CRAVATS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the Statement of Considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Fortune Cravats, Inc., 350 Fifth Avenue, New York 1, New York.

Brand names: "Fortune Cravats".

Articles: Men's pure silk ties.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to preticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 States and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit. dozen. etc.	Terms {net. percent EOM. etc. $_____

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this

order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $--------

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 13th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11146; Filed, Sept. 12, 1951; 2:51 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 626]

KREMENTZ & CO.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. What this order does. Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Krementz & Co., 49 Chestnut Street, Newark 1, New Jersey.

Brand names: "Krementz".

Articles: Money holders, knives, watch bands, collar holders, ascot pins, collar pins, friction tie holders, chain tie holders, and snap bar cuff links.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to preticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 States and the District of Columbia.

Provisions for the applicant—7. Notification to retailers. As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------ per------{unit. / dozen. / etc.}	Terms {net. / percent EOM. / etc.} $--------

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $--------

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 13th of September, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11147; Filed, Sept. 12, 1951; 2:51 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 627]

DUNN AND MCCARTHY, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Dunn and McCarthy, Inc., 41 Washington Street, Auburn, New York.

Brand names: "Heel Hugger".

Articles: Women's shoes.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Our price to retailers	Retailer's ceilings for articles of cost listed in column 1
$----- per-----{unit. dozen. etc.	Terms {net. percent EOM. etc. $-----

9. *Pre-ticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment) mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $--------

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 13th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11148; Filed, Sept. 12, 1951; 2:52 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 628]

DUNN AND MCCARTHY, INC.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Dunn and McCarthy, Inc., 41 Washington Street, Auburn, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain

of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of Section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of women's shoes manufactured by Dunn and McCarthy, Inc., 41 Washington Street, Auburn, New York, having the brand name(s) "Enna Jetticks" shall be the proposed retail ceiling prices listed by Dunn and McCarthy, Inc., in its application dated April 3, 1951, and filed with the Office of Price Stabiilzation, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than November 12, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this special order.

3. On and after November 12, 1951, Dunn and McCarthy, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after December 12, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 12, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the manufacturer shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the manufacturer had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The manufacturer shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit. / dozen. / etc.} Terms{net. / percent EOM. / etc.}	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the manufacturer with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the manufacturer shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the manufacturer had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the manufacturer shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective September 13, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11149; Filed, Sept. 12, 1951; 2:52 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 629]

NATIONAL BEDDING CO.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, is it ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply

to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: National Bedding Company, 1820 Delmar Boulevard, St. Louis 3, Missouri.

Brand names: "Hardpac", "Perfect Rest", "Sherwood", "Ambassador Deluxe", "Orthopedic", "Regent", "1812 Eyelet", "Sleeper", "Famous Rest", "Turquoise", "Streamline", "Roosevelt", "Jefferson", "Lincoln", "Waverly" "Vita Sleep", "Leader", "Erin", "Killarney", "Shamrock", "Dublin", "Orthopedic", "Comex", "50lb.", and "Firestone Foamex".

Articles: Mattresses and box springs.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 States and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per_____{unit. / dozen. / etc.} Terms {net. / percent EOM. / etc.}

$_____

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $--------

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 13th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11150; Filed, Sept. 12, 1951; 2:52 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 630]

ORRVILLE BEDDING CO.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: The Orrville Bedding Company, 255 West Water street, Orrville, Ohio.

Brand names: "Spring-Air" and "Back Supporter".

Articles: Mattresses and boxsprings.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with

the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$------ per------{unit, dozen. etc.	Terms{net. percent EOM. etc. $--------

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $--------

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 13th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11151; Filed, Sept. 12, 1951; 2:52 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 631]

SUN CO.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant. The Sun Company, 239 West Exchange Street, Providence 3, Rhode Island.

Brand names: "Sun Key-Finder" and "Sun Coin-Finder."

Articles: Key chains and coin holder.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail

ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to preticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. Notification to retailers. As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1) Price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$------ per------{unit, dozen, etc. Terms{net, percent EOM, etc.	$--------

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $--------

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 13th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11152; Filed, Sept. 12, 1951; 2:53 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 632]

BOTANY MILLS, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. What this order does. Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Botany Mills, Inc., 84-182 Dayton Avenue, Passaic, New Jersey.

Brand names: "Botany".

Articles: Men's neckwear, mufflers, glove and muffler sets, slacks, shirts, leisure jackets, sweaters, hosiery, bathing trunks, sport caps and robes.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag

such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 States and the District of Columbia.

Provisions for the applicant—7. Notification to retailers. As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____ {unit, dozen, etc.} Terms {net, percent EOM, etc.}	$_____

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $_____

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 13th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11176; Filed, Sept. 12, 1951; 4:46 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 633]

L. HELLER AND SON, INC.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, L. Heller and Son, Inc., 411 Fifth Avenue, New York 16, New York, has applied to the Office of Price Stabilization for maximum resale prices for retail and wholesale sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail and wholesale of costume jewelry sold through retailers and wholesalers and having the brand name(s) "Deltah" shall be the proposed retail and wholesale ceiling prices listed by L. Heller and Son, Inc., 411 Fifth Avenue, New York 16, New York, hereinafter referred to as the "applicant" in its application dated April 24, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than November 12, 1951, no seller at retail or wholesale may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after November 12, 1951, L. Heller and Son, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after December 12, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 12, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the preticketing requirements of this paragraph within 60 days after the effective date of the amendment. After 90 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 90-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers—(a) Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within fifteen days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within two months immediately prior to the receipt of this special order the applicant

had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price and corresponding wholesale ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)	(Column 3)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1	Wholesaler's ceiling price for articles listed in column 1
----------	$----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in subparagraph 3 (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within two months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective September 13, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11177; Filed, Sept. 12, 1951; 4:46 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 634]

DIRILYTE COMPANY OF AMERICA, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for Retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Dirilyte Company of America, Inc., 1142 South Main Street, Kokomo, Indiana.

Brand names: "Dirilyte".

Articles: Flatware and hollowware.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to preticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $---------

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within two months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1) Price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$..... per.....{unit, dozen, etc. Terms {net, percent EOM, etc.	$.....

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $ ---------

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 13th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11178; Filed, Sept. 12, 1951; 4:46 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 635]

MACOMB POTTERY CO.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the Statement of Considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below.

Name and address of applicant: Macomb Pottery Company, Dundee, Illinois.

Brand names: "Haeger".

Articles: Pottery housewares.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $---------

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form. You must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within two months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed

by the order. The notice shall be in substantially the following form:

(Column 1) Price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit. dozen. etc.	Terms {net. percent EOM. etc. $_____

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $_____

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 13th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11179; Filed, Sept. 12, 1951; 4:46 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 636]

HAEGER POTTERIES, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers.—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: The Haeger Potteries, Inc., Dundee, Illinois.

Brand names: "Royal Haeger".

Articles: Pottery housewares.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to preticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant. 7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1) Price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit. dozen. etc.	Terms {net. percent EOM. etc. $_____

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $_____

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 13th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11180; Filed, Sept. 12, 1951; 4:47 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 637]

ROYAL HAEGER LAMP CO., INC.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the Statement of Considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Royal Haeger Lamp Company, Inc., Dundee, Illinois.

Brand names: "Royal Haeger".

Articles: Pottery base lamps.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1) Price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$------ per------{unit. dozen. etc.	Terms {net. percent EOM. etc. $--------

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $--------

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 13th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11181; Filed, Sept. 12, 1951; 4:47 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 638]

SOUTHWEST MATTRESS CO.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR, it is ordered that the following provisions be in effect:

Provisions for retailers—1. What this order does. Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Southwest Mattress Company, 2228–38 Blake Street, Denver 2, Colorado.

Brand names: "Spring Air Sleep Cushion", "Spring Air #70", "Spring Air # 50", "Spring Air # 30", "Spring Air Extra Firm", "Spring Air Extra Long", "Spring Air Back Supporter".

Articles; Mattresses and box springs.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 States and the District of Columbia.

Provisions for the applicant—7. Notification to retailers. As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within two months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1) Price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$----- per-----{unit, dozen, etc.	Terms {net, percent EOM, etc. $----------

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $--------

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 13th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11182; Filed, Sept. 12, 1951; 4:47 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 639]

DAVENPORT BEDDING CO.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send

to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the statement of considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Davenport Bedding Company, 1009–1011 West Fourth Street, Davenport, Iowa.

Brand names: "Twilight", "Luxor", "Ortho-Pedic", and "Dawn".

Articles: Mattresses and box springs.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 States and the District of Columbia.

Provisions for the applicant—7. *Notification to retailers.* As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within two months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit, dozen, etc.}	Terms {net, percent EOM, etc.} $_____

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $_____

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 13th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51–11183; Filed, Sept. 12, 1951; 4:48 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 640]

SEALY MATTRESS CO.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the Statement of Considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Sealy Mattress Company, 5810 South Normandie Avenue, Los Angeles 44, California.

Brand names: "Sealy Sleep Charm", "Sealy Anniversary", "Sealy Good Home-

keeper", "Sealy Natural Rest", "Sealy Rest", "Sealy Sunspun", "Sealy Supreme", "Sealy Jr. Posturepedic", "Sealy Firm-O-Rest", "Sealy Dreamer", "Sealy Park Lane", and "Sealy Air Vent".

Articles: Mattresses and box springs.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. Notification to retailers. As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within two months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit. / dozen. / etc.}	Terms {net. / percent EOM, / etc.} $_____

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $_____

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 13th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11184; Filed, Sept. 12, 1951; 4:48 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 641]

M. SELLER CO.

CEILING PRICES AT RETAIL

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, M. Seller Company, 1400 Folsom Street, San Francisco, California (hereafter called wholesaler), has applied to the Office of Price Stabilization for maximum resale prices for retail sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him, including the data and certified conclusions of fact submitted by the applicant, that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant is required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Price Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. The ceiling prices for sales at retail of dinnerware sold at wholesale by M. Seller Company, 1400 Folsom St., San Francisco, California, having the brand name(s) "Fiesta", "Jubilee", "Skytone" and "Suntone" shall be the proposed retail ceiling prices listed by M. Seller Co. in its application dated April 25, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice

of prices annexed, but in no event later than November 12, 1951, no seller at retail may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may, of course, be made at less than the ceiling prices.

2. The retail ceiling price of an article fixed by paragraph 1 of this special order shall apply to any other article of the same type which is otherwise priceable under Ceiling Price Regulation 7 by retailers subject to that regulation, having the same selling price and terms of sale to the retailer, the same brand or company name and first sold by the wholesaler after the effective date of this special order.

3. On and after November 12, 1951, M. Seller Company must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order, or attach to the article a label, tag or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $_____

On and after December 12, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 12, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the wholesaler's application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply, as to each such article, with the preticketing requirements of this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

4. Within 15 days after the effective date of this special order, the wholesaler shall send a copy of this special order to each purchaser for resale to whom, within two months immediately prior to the effective date, the wholesaler had delivered any article covered in paragraph 1 of this special order. Copies shall also be sent to all other purchasers on or before the date of the first delivery of any such article subsequent to the effective date of this special order, and shall be accompanied by copies of each amendment thereto (if any) issued prior to the date of the delivery. The wholesaler shall annex to the special order a notice, listing the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling price fixed by this special order for an article of that cost. The notice shall be in substantially the following form:

(Column 1) Price to retailers	(Column 2) Retailer's ceilings for articles of cost listed in column 1
$_____ per_____{unit. dozen. etc.} Terms{net. percent EOM. etc.}	$_____

Within 15 days after the effective date of this special order, two copies of this notice must also be filed by the wholesaler with the Distribution Price Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C. Within 15 days after the effective date of any subsequent amendment to this special order, the wholesaler shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the wholesaler had delivered any article the sale of which is affected in any manner by the amendment.

5. Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the wholesaler shall file with the Distribution Price Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

6. The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

7. This special order or any provision thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

8. The provisions of this special order are applicable to the United States and the District of Columbia.

Effective date. This special order shall become effective September 13, 1951.

MICHAEL DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11185; Filed, Sept. 12, 1951; 4:48 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 642]

SEALY MATTRESS CO.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the Statement of Considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for Retailers—1. *What this order does.* Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Sealy Mattress Company, 6699 San Pablo Avenue, Oakland 8, California.

Brand names: "Sealy Sleep Charm", "Sealy Good Homekeeper", "Sealy Natural Rest", "Sealy Sealy Rest", "Sealy Sunspun", "Sealy Supreme", "Sealy Jr. Posturpedic", "Sealy Firm-O-Rest Posturpedic", "Sealy Star", "Sealy Airlite", and "Sealy Sealcrest".

Articles: Mattresses and box springs.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to preticket his

articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regulation. It applies to sales in the 48 states and the District of Columbia.

Provisions for the applicant—7. Notification to retailers. As the manufacturer or wholesaler to whom this special order is issued, you shall do the following:

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within 2 months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within 2 months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1

$_____ per_____{unit. / dozen. / etc.} Terms{net. / percent EOM. / etc.}
$_____

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $--------

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 13th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11186; Filed, Sept. 12, 1951; 4:49 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 643]

FLORIDA MATTRESS FACTORY, INC.

CEILING PRICES AT RETAIL

Statement of considerations. This is an order establishing uniform retail prices issued upon the basis of an application filed by a supplier under section 43 of CPR 7. This section gives a manufacturer or wholesaler the right to apply for uniform retail ceiling prices for certain of his branded articles. This section requires that the articles must customarily have been sold at substantially uniform prices, and the ceiling prices applied for must not raise the general level of prices under CPR 7. The order may, of course, be amended or revoked if further review shows that the requirements of the regulation have not been fully met.

This special order requires each article to be tagged or marked with the retail ceiling price. The supplier must send to each retailer a copy of this special order, as well as a list of ceiling prices for each article or cost line and notice of all amendments. The order requires the supplier to file certain sales reports with OPS.

Retailers will be concerned with sections 1 through 6 of this special order which contain provisions applying to them. The rest of the order is of interest primarily to the applicant.

Order. For the reasons set forth in the Statement of Considerations and pursuant to section 43 of CPR 7, it is ordered that the following provisions be in effect:

Provisions for retailers—1. What this order does. Sections 1 through 6 apply to you and establish uniform ceiling prices if you sell at retail the articles identified below:

Name and address of applicant: Florida Mattress Factory, Inc., P. O. Box 286, Tampa 1, Florida.

Brand names: "Serta Serta-foam Sleep Set", "Serta Perfect Sleeper Supreme", "Serta Perfect Sleeper Imperial", "Serta Perfect Sleeper DeLuxe", "Serta Perfect Sleeper", "Serta Restal Knight", "Serta Sertarest Imperial", and "Serta Sertarest".

Articles: Mattresses and box springs.

2. *Retail ceiling prices for listed articles.* Your ceiling prices for sales at retail of the articles identified above are the retail prices listed in your supplier's application filed with OPS. These prices will be included in a list which will be annexed to the copy of this order which you will receive from your supplier. The list of ceiling prices will be filed with the Federal Register as an appendix to this special order as soon as practicable. These ceiling prices are effective 10 days after you receive this order and the ceiling price list but in no event later than 60 days after the date this order is issued. You shall not sell above these ceiling prices. You may, of course, sell below these prices.

3. *Retail ceiling prices for unlisted items.* Some or all of the retail ceiling prices in this order are fixed in terms of the cost of the article to you. Whenever you receive one of applicant's branded articles which is in the same category and which has the same net cost as one covered by the list, the ceiling price for such article shall be the same as the ceiling price for the article having that same net cost.

4. *Retail ceiling prices affected by amendment to this order.* This order may be amended from time to time or it may be revoked. If so, the applicant is required to send you a copy of the revocation or amendment, together with any list of changes or additions in retail ceiling prices. The ceiling prices contained in any such amendment become your ceiling prices.

5. *Marking and tagging.* This order requires your supplier to pre-ticket his articles by an early date. The label, tag or ticket must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

After 60 days from the effective date of this order, unless you receive articles marked or tagged in this form, you must so mark or tag them yourself. Before that date you must mark, tag or post your prices in the manner required by the regulation which applies in the absence of this special order.

With respect to articles the ceiling prices of which are affected by any amendment to this order, the same rules apply except that you must mark or tag such articles as stated above not later than 60 days after the effective date of the amendment.

6. *Applicability.* This special order establishes your ceiling prices for the articles covered by it regardless of whether you would otherwise price the articles under CPR 7 or any other regu-

lation. It applies to sales in the 48 States and the District of Columbia.

Provisions for the applicant—7. Notification to retailers. As the manufacturer or wholesaler to whom this special order is issued, you shall do the following.

(a) *Sending order and list to old customers.* Within 15 days after the effective date of this special order, you shall send a copy of this order, together with a copy of the list referred to in section 8 below to each purchaser for resale to whom, within two months immediately prior to the effective date, you had delivered any article covered by this order.

(b) *Notification to new customers.* A copy of this special order and the list shall be sent to all other purchasers for resale on or before the date of the first delivery of any article covered by this order.

(c) *Notification with respect to amendments.* Within 15 days after the effective date of any subsequent amendment to this order, you shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, you had delivered any article included in such amendment. Within 15 days after any amendment, the amendment shall also be included with the notification to new customers.

(d) *Notification to OPS.* Within 15 days of the effective date of this order, you shall send a copy of the list of prices referred to in section 8 below to the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

8. *Ceiling price list.* The ceiling price list must be annexed to a copy of the order and shall contain the cost and discount terms to retailers for each article covered by this special order and the corresponding retail ceiling prices fixed by the order. The notice shall be in substantially the following form:

(Column 1)	(Column 2)
Price to retailers	Retailer's ceilings for articles of cost listed in column 1
$..... per.....{unit, dozen, etc.} Terms {net, percent EOM, etc.}	$.....

9. *Preticketing requirements.* As the applicant to whom this special order is issued, you must, within 60 days after the effective date of this order (or in the case of an amendment within 60 days after the effective date of that amendment), mark each article covered by this order with a statement in the following form:

OPS—Sec. 43—CPR 7
Price $.....

Instead of marking the article you may attach a label, tag or ticket containing the same information.

10. *Sales volume reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, you shall file with the Distribution Branch, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which you have delivered in that 6-month period.

This special order may be amended or revoked at any time.

Effective date. This special order shall become effective on the 13th of September 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11187; Filed, Sept. 12, 1951; 4:49 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 644]

PRODUCTS PACKAGING, INC.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Products Packaging, Inc., West Fifty-eighth and Walworth Avenues, Cleveland 2, Ohio, has applied to the Office of Price Stabilization for maximum resale prices for retail and wholesale sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail and wholesale of spot remover cleaner sold through retailers and wholesalers and having the brand name(s) "Brush Top" shall be the proposed retail and wholesale ceiling prices listed by Products Packaging, Inc., West Fifty-eighth and Walworth Avenues, Cleveland 2, Ohio, hereinafter referred to as the "applicant" in its application dated July 24, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than November 12, 1951, no seller at retail or wholesale may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after November 12, 1951, Products Packaging, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $.....

On and after December 12, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 12, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the preticketing requirements of this paragraph within 60 days after the effective date of the amendment. After 90 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 90-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in Paragraph 1 of this special order.

(2) Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within 2 months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner,

annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price and corresponding wholesale ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)	(Column 3)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1	Wholesaler's ceiling price for articles listed in column 1
----------	$----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in subparagraph 3 (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within 2 months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective September 13, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11188; Filed, Sept. 12, 1951; 4:49 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 645]

COLUMBUS PLASTIC PRODUCTS, INC.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Columbus Plastic Products, Inc., 1625 West Mound Street, Columbus 4, Ohio, has applied to the Office of Price Stabilization for maximum resale prices for retail and wholesale sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail and wholesale of plastic kitchenware, pantryware, hangers, cabinets, combs, racks, soap dishes, humidors, trays, clothespins, clothesline reels, flower pots and toys sold through retailers and wholesalers and having the brand name(s) "Lustro-Ware" shall be the proposed retail and wholesale ceiling prices listed by Columbus Plastic Products, Inc., 1625 West Mound Street, Columbus 4, Ohio, hereinafter referred to as the "applicant" in its application dated July 25, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than November 12, 1951, no seller at retail or wholesale may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after November 12, 1951, Columbus Plastic Products, Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after December 12, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 12, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the pre-ticketing requirements of this paragraph within 60 days after the effective date of the amendment. After 90 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 90-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within 2 months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment

to this special order in the same manner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price and corresponding wholesale ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)	(Column 3)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1	Wholesaler's ceiling price for articles listed in column 1
----------	$----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in subparagraph 3 (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within 2 months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective September 13, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51–11189; Filed, Sept. 12, 1951; 4:49 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 646]

W. H. SCHAPER MFG. CO., INC.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, W. H. Schaper Manufacturing Company, Inc., 1505 Olson Highway, Minneapolis, Minnesota, has applied to the Office of Price Stabilization for maximum resale prices for retail and wholesale sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued:

1. *Ceiling prices.* The ceiling prices for sales at retail and wholesale of a game sold through retailers and wholesalers and having the brand name(s) "Cootie Game" shall be the proposed retail and wholesale ceiling prices listed by W. H. Schaper Manufacturing Co., Inc., 1505 Olson Highway, Minneapolis, Minnesota, hereinafter referred to as the "applicant" in its application dated July 28, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than November 12, 1951, no seller at retail or wholesale may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after November 12, 1951, W. H. Schaper Manufacturing Co., Inc., must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after December 12, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 12, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the preticketing requirements of this paragraph within 60 days after the effective date of the amendment. After 90 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 90-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within fifteen days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within two months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same man-

ner, annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price and corresponding wholesale ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)	(Column 3)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1	Wholesaler's ceiling price for articles listed in column 1
----------	$----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in subparagraph 3 (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within 2 months prior to receipt of this special order, his records iffdicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective September 13, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11190; Filed, Sept. 12, 1951; 4:50 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 647]

CASCO PRODUCTS CORP.

CEILING PRICES AT RETAIL AND WHOLESALE

Statement of considerations. In accordance with section 43 of Ceiling Price Regulation 7, the applicant named in the accompanying special order, Casco Products Corporation, 512 Hancock Avenue, Bridgeport 2, Connecticut, has applied to the Office of Price Stabilization for maximum resale prices for retail and wholesale sales of certain of its articles. Applicant has submitted the information required under this section and has produced evidence which in the judgment of the Director indicates that the applicant has complied with other stated requirements.

The Director has determined on the basis of information available to him that the retail ceiling prices requested and which are established by this special order are no higher than the level of ceiling prices under Ceiling Price Regulation 7.

The special order contains provisions requiring each article to be marked by the applicant with the retail ceiling price established by the accompanying special order. The applicant and intermediate distributors are required to send purchasers of the articles a copy of this special order, a notice listing retail ceiling prices for each cost line and, in specified cases, of subsequent amendments of this special order.

The special order also requires applicant to file with the Distribution Branch regular reports setting forth the number of units of each article covered by this special order which applicant has delivered during the reporting period. This requirement conforms with the provisions of section 43, Ceiling Price Regulation 7.

Special provisions. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, this special order is hereby issued.

1. *Ceiling prices.* The ceiling prices for sales at retail and wholesale of electric heating pads sold through retailers and wholesalers and having the brand name(s) "Casco" shall be the proposed retail and wholesale ceiling prices listed by Casco Products Corporation, 512 Hancock Avenue, Bridgeport 2, Connecticut, hereinafter referred to as the "applicant" in its application dated August 29, 1951, and filed with the Office of Price Stabilization, Washington 25, D. C.

A list of such ceiling prices will be filed by the Office of Price Stabilization with the Federal Register as an appendix to this special order as soon as practicable. On and after the date of receipt of a copy of this special order, with notice of prices annexed, but in no event later than November 12, 1951, no seller at retail or wholesale may offer or sell any article covered by this special order at a price higher than the ceiling price established by this special order. Sales may be made, of course, at less than the ceiling prices.

2. *Marking and tagging.* On and after November 12, 1951, Casco Products Corporation must mark each article for which a ceiling price has been established in paragraph 1 of this special order with the retail ceiling price under this special order or attach to the article a label, tag, or ticket stating the retail ceiling price. This mark or statement must be in the following form:

OPS—Sec. 43—CPR 7
Price $--------

On and after December 12, 1951, no retailer may offer or sell the article unless it is marked or tagged in the form stated above. Prior to December 12, 1951, unless the article is marked or tagged in this form, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this special order.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the application or changes the retail ceiling price of a listed article, the applicant named in this special order must comply as to each such article with the pretickeeting requirements of this paragraph within 60 days after the effective date of the amendment. After 90 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 90-day period, unless the article is so ticketed, the retailer must comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

3. *Notification to resellers*—(a) *Notices to be given by applicant.* (1) After receipt of this special order, a copy of this special order and the notice described below shall be sent by the applicant to each purchaser for resale on or before the date of the first delivery of any article covered in paragraph 1 of this special order.

(2) Within 15 days after the effective date of this special order, the applicant shall send a copy of this special order and the notice described below to each purchaser for resale to whom within 2 months immediately prior to the receipt of this special order the applicant had delivered any article covered by paragraph 1 of this special order.

(3) The applicant must notify each purchaser for resale of any amendment to this special order in the same manner,

annexing to the amendment an appropriate notice as described below.

(4) The applicant shall annex to this special order or amendment a notice listing the style or lot number, name, or other description of each item covered by this special order or amendment and its corresponding retail ceiling price and corresponding wholesale ceiling price. The notice shall be in substantially the following form:

(Column 1)	(Column 2)	(Column 3)
Item (style or lot number or other description)	Retailer's ceiling price for articles listed in column 1	Wholesaler's ceiling price for articles listed in column 1
----------	$----------	$----------

(5) Within 15 days after the effective date of this special order or any amendment thereto, two copies of the ceiling price notice above described must be filed by the applicant with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C.

(6) The applicant must supply each purchaser for resale other than a retailer with sufficient copies of this special order, amendment and notices to permit such purchasers for resale to comply with the notification requirements of this special order.

(b) *Notices to be given by purchasers for resale (other than retailers).* (1) A copy of this special order, together with the annexed notice of ceiling prices described in sub-paragraph 3 (a) (4) of this section, shall be sent by each purchaser for resale (other than retailers) to each of his purchasers on or before the date of the first delivery after receipt of a copy of this special order.

(2) Within 15 days of receipt of this special order and the annexed notice, each purchaser for resale (other than retailers) shall send a copy of the order and notice to each of his purchasers to whom, within 2 months prior to receipt of this special order, his records indicate he had delivered any article covered by paragraph 1 of this special order.

(3) Each purchaser for resale (other than retailers) must notify each purchaser of any amendment to this special order in the same manner, annexing to the amendment an appropriate notice as described above.

4. *Reports.* Within 45 days of the expiration of the first 6-month period following the effective date of this special order and within 45 days of the expiration of each successive 6-month period, the applicant shall file with the Distribution Branch, Consumer Soft Goods Division, Office of Price Stabilization, Washington 25, D. C., a report setting forth the number of units of each article covered by this special order which he has delivered in that 6-month period.

5. *Other regulations affected.* The provisions of this special order establish the ceiling price for sales at retail of the articles covered by it, regardless of whether the retailer is otherwise subject to Ceiling Price Regulation 7 or any other regulation.

6. *Revocation.* This special order or any provisions thereof may be revoked, suspended, or amended by the Director of Price Stabilization at any time.

7. *Applicability.* The provisions of this special order are applicable in the United States and the District of Columbia.

Effective date. This special order shall become effective September 13, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11191; Filed, Sept. 12, 1951; 4:51 p. m.]

[Ceiling Price Regulation 7, Section 43, Revocation of Special Order 255]

LEVI STRAUSS AND CO.

CEILING PRICES AT RETAIL

Statement of considerations. Special Order 255, issued to Levi Strauss and Company on August 3, 1951, effective August 4, 1951 (16 F. R. 153), established ceiling prices at retail for overalls and jackets having the brand name "Levi's".

Levi Strauss and Company has applied for a revocation of this special order. According to the applicant, changed conditions in the denim fabric market have necessitated lower manufacturer's selling prices for items covered by the special order. Therefore, the cost-price relationships between the manufacturer's selling prices and the ceiling prices at retail established by the special order have no relation to the lower prices at which the manufacturer now sells to sellers at retail. Under these conditions, the special order serves no purpose and can only lead to confusion on the part of sellers at retail.

Revocation. 1. For the reasons set forth in the statement of considerations and pursuant to section 43 of Ceiling Price Regulation 7, Special Order 255, issued to Levi Strauss and Company on August 3, 1951, effective August 4, 1951 (16 F. R. 153) establishing ceiling prices at retail for overalls and jackets having the brand name "Levi's," shall be, and the same hereby is, revoked in all respects.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11135; Filed, Sept. 12, 1951; 2:48 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 284, Amendment 1]

INTERNATIONAL SILVER CO.

CEILING PRICES AT RETAIL

Statement of considerations. The accompanying amendment to Special Order 284 under section 43 of Ceiling Price Regulation 7 modifies those provisions relating to preticketing usually required by orders of this type. This amendment, designed to meet the particular requirements of the silverware industry, accomplishes the objective of notifying consumers of the uniform prices fixed under the order.

Amendatory provisions. 1. Delete paragraph 2 of the special order and substitute therefor the following:

2. On and after November 12, 1951, The International Silver Company must furnish each purchaser for resale to whom within two months immediately prior to the effective date the manufacturer had delivered any article covered by paragraph 1 of this special order, with a sign 8 inches wide and 10 inches high, a price book, and a supply of tags and stickers. The sign must contain the following legend:

The retail ceiling prices for The International Silver Company sterling and plated silver flatware have been approved by OPS and are shown in a price book we have available for your inspection.

The price book must contain an accurate description of each article covered by paragraph 1 of this special order and the retail ceiling price fixed for each article. The front cover of the price book must contain the following legend:

The retail ceiling prices in this, The International Silver Company price book, have been approved by OPS under Section 43, CPR 7.

The tags and stickers must be in the following form:

The International Silver Company
OPS—Sec. 43—CPR 7
Price $--------

On and after December 12, 1951, no retailer may offer or sell any article covered by this order unless he has the sign described above displayed so that it may be easily seen and a copy of the price book described above available for immediate inspection. In addition, the retailer must affix to each article covered by the order and which is offered for sale on open display (except in show windows or decorative displays) a tag or sticker described above. The tag or sticker must contain the retail ceiling price established by this special order for the article to which it is affixed.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must within 30 days after the effective date of the amendment, as to each such article, send an insertion stating the required addition or change for the price book described above. After 60 days from the effective date of the amendment, no retailer may offer or sell the article, unless he has received the insertion described above and inserted it in the price book. Prior to the expiration of the 60 day period, unless the retailer has received and placed the insertion in the price book, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Effective date. This amendment shall become effective September 12, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11136; Filed, Sept. 12, 1951; 2:48 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 228, Amendment 1]

THE INTERNATIONAL SILVER CO.

CEILING PRICES AT RETAIL

Statement of considerations. The accompanying amendment to Special Order 228 under section 43 of Ceiling Price Regulation 7 modifies those provisions relating to preticketing usually required by orders of this type. This amendment, designed to meet the particular requirements of the silverware industry, accomplishes the objective of notifying consumers of the uniform prices fixed under the order.

Amendatory provisions. 1. Delete paragraph 2 of the special order and substitute therefor the following:

2. On and after November 12, 1951, The International Silver Company must furnish each purchaser for resale to whom within two months immediately prior to the effective date the manufacturer had delivered any article covered by paragraph 1 of this special order, with a sign 8 inches wide and 10 inches high, a price book, and a supply of tags and stickers. The sign must contain the following legend:

The retail ceiling prices for The International Silver Company sterling hollowware and sterling flatware have been approved by OPS and are shown in a price book we have available for your inspection.

The price book must contain an accurate description of each article covered by paragraph 1 of this special order and the retail ceiling price fixed for each article. The front cover of the price book must contain the following legend:

The retail ceiling prices in this, The International Silver Company prices book, have been approved by OPS under section 43, CPR 7.

The tags and stickers must be in the following form:

The International Silver Company
OPS—Sec. 43—CPR 7
Price $--------

On and after December 12, 1951, no retailer may offer or sell any article covered by this order unless he has the sign described above displayed so that it may be easily seen and a copy of the price book described above available for immediate inspection. In addition, the retailer must affix to each article covered by the order and which is offered for sale on open display (except in show windows or decorative displays) a tag or sticker described above. The tag or sticker must contain the retail ceiling price established by this special order for the article to which it is affixed.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must within 30 days after the effective date of the amendment, as to each such article, send an insertion stating the required addition or change for the price book described above. After 60 days from the effective date of the amendment, no retailer may offer or sell the article, unless he has received the insertion described above and inserted it in the price book. Prior to the expiration of the 60 day period, unless the retailer has received and placed the insertion in the price book, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Effective date. This amendment shall become effective September 12, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11133; Filed, Sept. 12, 1951; 2:47 p. m.]

[Ceiling Price Regulation 7, Section 43, Special Order 230, Amendment 1]

THE INTERNATIONAL SILVER CO.

CEILING PRICES AT RETAIL

Statement of considerations. The accompanying amendment to Special Order 230 under section 43 of Ceiling Price Regulation 7 modifies those provisions relating to preticketing usually required by orders of this type. This amendment, designed to meet the particular requirements of the silverware industry, accomplishes the objective of notifying consumers of the uniform prices fixed under the order.

Amendatory provisions. 1. Delete paragraph 2 of the special order and substitute therefor the following:

2. On and after November 12, 1951, The International Silver Company must furnish each purchaser for resale to whom within two months immediately prior to the effective date the manufacturer had delivered any article covered by paragraph 1 of this special order, with a sign 8 inches wide and 10 inches high, a price book, and a supply of tags and stickers. The sign must contain the following legend:

The retail ceiling prices for The International Silver Company silverplated flatware and holloware have been approved by OPS and are shown in a price book we have available for your inspection.

The price book must contain an accurate description of each article covered by paragraph 1 of this special order and the retail ceiling price fixed for each article. The front cover of the price book must contain the following legend:

The retail ceiling prices in this, The International Silver Company price book, have been approved by OPS under section 43, CPR 7.

The tags and stickers must be in the following form:

The International Silver Company
OPS—Sec. 43—CPR 7
Price $--------

On and after December 12, 1951, no retailer may offer or sell any article covered by this order unless he has the sign described above displayed so that it may be easily seen and a copy of the price book described above available for immediate inspection. In addition, the retailer must affix to each article covered by the order and which is offered for sale on open display (except in show windows or decorative displays) a tag or sticker described above. The tag or sticker must contain the retail ceiling price established by this special order for the article to which it is affixed.

Upon issuance of any amendment to this special order which either adds an article to those already listed in the manufacturer's application or changes the retail ceiling price of a listed article, the applicant named in this special order must within 30 days after the effective date of the amendment, as to each such article, send an insertion stating the required addition or change for the price book described above. After 60 days from the effective date of the amendment, no retailer may offer or sell the article, unless he has received the insertion described above and inserted it in the price book. Prior to the expiration of the 60 day period, unless the retailer has received and placed the insertion in the price book, the retailer shall comply with the marking, tagging, and posting provisions of the regulation which would apply in the absence of this special order.

Effective date. This amendment shall become effective September 12, 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

SEPTEMBER 12, 1951.

[F. R. Doc. 51-11134; Filed, Sept. 12, 1951; 2.48 p. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6376]

EL PASO ELECTRIC CO.

NOTICE OF APPLICATION

SEPTEMBER 13, 1951.

Take notice that on September 13, 1951, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by El Paso Electric Company, a corporation organized under the laws of the State of Texas and doing business in the States of Texas and New Mexico, with its principal business office at El Paso, Texas, seeking an order authorizing the issuance of 381,994 shares of Common Stock without par value. Applicant proposes to amend its Charter by changing and converting the authorized, issued and outstanding 381,994 shares of Common Stock, without par value into 763,988 shares without par value, such change and conversion to be accomplished, in lieu of the surrender and exchange of existing certificates, through the issuance to the holders of Common Stock of certificates of 381,994 additional shares of Common Stock on the basis of one additional share of Common Stock on each share of Common Stock outstanding; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 3d day of October 1951, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice

and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-11305; Filed, Sept. 19, 1951; 8:46 a. m.]

[Docket No. G-1734]

SOUTHERN UNION GAS CO.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 14, 1951.

Notice is hereby given that, on September 12, 1951, the Federal Power Commission issued its order, entered September 11, 1951, issuing certificate of public convenience and necessity, in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-11303; Filed, Sept. 19, 1951; 8:46 a. m.]

[Docket No. G-1780]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 13, 1951.

Take notice that Southern Natural Gas Corporation (Applicant), a Delaware corporation having its principal place of business at Birmingham, Alabama, filed on September 10, 1951, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, to wit: approximately two miles of 12¾-inch pipeline to be used in looping Applicant's existing "Fairfield branch line," and approximately 700 feet of 8⅝-inch pipeline to be used in looping Applicant's existing City of Fairfield town border tap line, the aforementioned facilities being more fully described in said application.

Applicant's Fairfield branch line is utilized to deliver gas to direct industrial customers of Applicant, including Tennessee Coal, Iron and Railroad Company, and to the Alabama Gas Corporation (Alabama) for resale in the City of Fairfield, Alabama. The present capacity of said branch line is approximately 59,000 Mcf per day, 35,000 Mcf of which is delivered to industrial customers of Alabama and to the direct industrial customers of Applicant, and the remaining 24,000 Mcf capacity is for distribution in the City of Fairfield.

Alabama has requested Applicant to increase delivery at the City of Fairfield town border station by 7,200 Mcf per day. The construction of the facilities heretofore mentioned will increase the said branch line's capacity by 16,000 Mcf per day. This will enable Applicant to meet the additional requirements of Alabama at the City of Fairfield town border station and will further provide an excess capacity of 8,800 Mcf per day.

The estimated total over-all cost of the facilities is approximately $77,000. Such cost will be financed from Applicant's current funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 3d day of October 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-11304; Filed, Sept. 19, 1951; 8:46 a. m.]

[Docket No. G-1784]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF APPLICATION

SEPTEMBER 14, 1951.

Take notice that Arkansas Louisiana Gas Company (Applicant), a Delaware corporation having its principal place of business at Shreveport, Louisiana, filed on August 31, 1951, an application for a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act authorizing the construction and operation of certain facilities for the transportation of natural gas in interstate commerce.

Applicant proposes to construct approximately 16.37 miles of 8⅝" O. D. welded pipe line to extend from a dehydrator installation located in Claiborne Parish, Louisiana, northwesterly to the Columbia Gas treating plant, owned and operated by Arkansas Fuel Oil Company and located in Columbia County, Arkansas. The proposed facilities will be used to move natural gas produced in the Haynesville and East Haynesville Fields in Claiborne Parish, Louisiana, to the above plant, and to supplement the gas supply available to that part of Applicant's pipe-line system located within the State of Arkansas. The estimated cost of the proposed construction is $294,580.

Applicant requests that it be granted temporary authorization for the proposed construction in order that service to its existing customers will not be curtailed during the coming winter.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.18 or 1.10) on or before the 3d day of October 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-11306; Filed, Sept. 19, 1951; 8:46 a. m.]

DEFENSE MATERIALS PROCUREMENT AGENCY

DEPUTY ADMINISTRATOR

DELEGATION OF AUTHORITY TO EXERCISE ALL FUNCTIONS AND AUTHORITY OF ADMINISTRATOR IN ABSENCE OR DISABILITY OF ADMINISTRATOR

1. Pursuant to the Defense Production Act of 1950, as amended (Public Law 774, 81st Congress, and Public Laws 69 and 96, 82d Congress) and Executive Order No. 10281 of August 28, 1951 (16 F. R. 8789), there is hereby delegated to the Deputy Administrator of the Defense Materials Procurement Agency the authority to exercise, in my absence or disability, all of the functions and authority vested in me as Defense Materials Procurement Administrator by such Executive Order.

2. The authority contained herein may not be redelegated.

3. This delegation is effective as of the date hereof.

Dated: September 17, 1951.

JESS LARSON,
Defense Materials Procurement Administrator.

[F. R. Doc. 51-11400; Filed, Sept. 18, 1951; 4:29 p. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, King's I. C. C. Order 52, Amdt. 4]

RAILROADS IN KANSAS, MISSOURI, ILLINOIS AND KENTUCKY

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 52 and good cause appearing therefor: *It is ordered*, That:

King's I. C. C. Order No. 52 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., October 15, 1951, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., September 15, 1951, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., September 14, 1951.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 51-11329; Filed, Sept. 19, 1951; 8:51 a. m.]

[4th Sec. Application 26404]

CEMENT FROM PRODUCING POINTS TO KANSAS, OKLAHOMA AND MISSOURI

APPLICATION FOR RELIEF

SEPTEMBER 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for The Atchison, Topeka and Santa Fe Railway Company and other carriers.

Commodities involved: Cement, hydraulic, natural or portland, carloads.

From: Producing points in Kansas, Ada and Dewey, Okla., Kansas City and Sugar Creek, Mo., and Superior, Nebr.

To: Points in Kansas, Oklahoma, and Missouri.

Grounds for relief: Rail competition, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-11328; Filed, Sept. 19, 1951; 8:51 a. m.]

[4th Sec. Application 26405]

MIXED-CARLOADS BOOT AND SHOE FACTORY SUPPLIES FROM BOSTON, MASS., TO FAYETTEVILLE, TENN.

APPLICATION FOR RELIEF

SEPTEMBER 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: I. N. Doe, Agent, for carriers parties to his tariff I. C. C. No. 610.

Commodities involved: Boot and shoe factory supplies, in mixed carloads.

From: Boston, Mass.

To: Fayetteville, Tenn.

Grounds for relief: Competition with rail carriers.

Schedules filed containing proposed rates: I. N. Doe's tariff I. C. C. No. 610, Supp. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-11327; Filed, Sept. 19, 1951; 8:51 a. m.]

[4th Sec. Application 26406]

SULPHURIC ACID FROM MOBILE, ALA., TO ST. LOUIS

APPLICATION FOR RELIEF

SEPTEMBER 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1200.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Mobile, Ala.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1200, Supp. 26.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-11326; Filed, Sept. 19, 1951; 8:50 a. m.]

[4th Sec. Application 26407]

STANDS OR CRADLES FROM BORDER TERRITORY TO THE EAST

APPLICATION FOR RELIEF

SEPTEMBER 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-726.

Commodities involved: Stands or cradles, barrel or drum, tilting type, iron or steel, wheeled or not wheeled, in mixed carloads with vehicles.

From: Points in North Carolina, southern Virginia, Kentucky, and northeastern Tennessee.

To: Points in trunk-line (including Buffalo-Pittsburgh zone) and New England territories.

Grounds for relief: Rail competition, circuity, grouping, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-726, Supp. 238.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-11325; Filed, Sept. 19, 1951; 8:50 a. m.]

[4th Sec. Application 26408]

CINDERS FROM STRAWN, TEX., TO OKLAHOMA CITY, OKLA.

APPLICATION FOR RELIEF

SEPTEMBER 17, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for the Missouri-Kansas-Texas Railroad Company and other carriers.

Commodities involved: Cinders, clay or shale, ground or not ground, in bulk in open top equipment, carloads.

From: Strawn, Tex.

To: Oklahoma City, Okla.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investi-

gate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-11324; Filed, Sept. 19, 1951; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 68-152]

PENNSYLVANIA ELECTRIC CO.

ORDER PERMITTING DECLARATION WITH RESPECT TO SOLICITATION OF PREFERRED STOCKHOLDERS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of September A. D. 1951.

Pennsylvania Electric Company ("the Company"), an operating utility company and a subsidiary of General Public Utilities Corporation, a registered holding company, having filed a declaration pursuant to Rules U-62 and U-65 of the general rules and regulations promulgated by the Commission under the Public Utility Holding Company Act of 1935 with respect to the following transaction:

The Company proposes to solicit the holders of its 240,000 shares of Preferred Stock presently outstanding to obtain the consent of a majority thereof to a proposed increase in the authorized number of shares of its Preferred Stock from 240,000 shares to 300,000 shares, of the par value of $100 per share; such solicitation to be made in connection with a special meeting of its stockholders to be held on September 27, 1951.

The declaration is ancillary to a joint application - declaration concurrently filed by the Company and others (File No. 70-2690), wherein the Company proposes to issue additional securities, including preferred stock, in furtherance of its construction program.

The Company estimates that its expenditures in connection with such solicitation, other than ordinary expenditures incurred in preparing, assembling and mailing proxies, proxy statements, and accompanying data, will not exceed $1,000. However, the compensation of declarant's counsel and independent accountants for services in connection with the proposed security issues will include compensation for their services rendered in connection with the proposed solicitation.

Such declaration having been duly filed, and notice of its filing having been duly given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the applicable provisions of the act and rules thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and provisions prescribed in Rule U-24, that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-11313; Filed, Sept. 19, 1951; 8:47 a. m.]

[File No. 70-2434]

PHILADELPHIA CO. AND DUQUESNE LIGHT CO.

SUPPLEMENTAL ORDER AUTHORIZING CHANGE IN REDEMPTION DATE FOR SINKING FUND PURPOSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of September 1951.

The Commission, by orders dated August 21, 1950, and August 28, 1950, having granted and permitted to become effective, subject to the terms and conditions prescribed in Rule U-24, promulgated under the Public Utility Holding Company Act of 1935 ("act") a joint application-declaration, with amendments thereto, filed by Philadelphia Company ("Philadelphia"), a registered holding company, and its public utility subsidiary, Duquesne Light Company ("Duquesne"), both subsidiaries of Standard Gas and Electric Company and Standard Power and Light Corporation, registered holding companies, with respect to, inter alia, the issuance and sale by Duquesne of $12,000,000 principal amount of First Mortgage Bonds, Series due August 1, 1980; and

Applicants-declarants having filed, pursuant to said Rule U-24, a post-effective amendment to said joint application-declaration, as amended, wherein it is stated that on August 31, 1951, pursuant to an agreement between Duquesne and the Trustee, the Fifth Supplemental Trust Indenture under which said First Mortgage Bonds were issued was amended so as to change the redemption date, for sinking fund purposes, from August 1 to October 1, in order to conform said supplemental indenture to the principal indenture. The filing indicates that said amendment to the supplemental indenture is in accordance with a provision of the principal indenture permitting Duquesne and the Trustee, without the consent of the bondholders, to amend the principal or any supplemental indenture thereto for the purpose of curing any error or defective provision; and

The Commission having examined said post-effective amendment and finding with respect to said joint application-declaration, as further amended, that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application-declaration, as further amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-24 and the applicable provisions of the act, that the said joint application-declaration, as further amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-11312; Filed, Sept. 19, 1951; 8:47 a. m.]

[File No. 70-2689]

FALL RIVER ELECTRIC LIGHT CO.

ORDER GRANTING AUTHORITY TO ISSUE PRINCIPAL AMOUNT OF PROMISSORY NOTES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of September A. D. 1951.

Fall River Electric Light Company ("Fall River"), a public utility subsidiary of Eastern Utilities Associates, a registered holding company, having filed a declaration, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following proposed transactions:

Fall River proposes to issue to The First National Bank of Boston ("First National"), under a loan agreement, unsecured promissory notes in an aggregate maximum face amount of $700,000. Each of said notes will mature December 31, 1951 and will bear interest at the prime interest rate (presently 2½ percent) existing on its issue date. Fall River will not consummate any loan at any interest rate in excess of 2¾ percent except after an amendment to the declaration stating such interest rate shall have become effective. If such amendment is filed after the declaration has become effective, Fall River will request therein that the amendment be permitted to become effective five days after filing without further order of the Commission unless the Commission shall have notified Fall River to the contrary. Pursuant to the loan agreement, First National is not obligated to lend in excess of $350,000 unless one or more other banks shall then participate or shall have participated at least to the extent of such excess. First National has informed Fall River that it has received a firm commitment from The Chase National Bank of the City of New York to participate to the extent of $350,000. The proposed notes will be prepayable at any time without premium.

The proceeds from the proposed notes will be used by Fall River to pay off short term 2½ percent promissory notes presently outstanding in the face amount of $200,000, to purchase additional shares of common stock of its subsidiary, Montaup Electric Company, which is installing a new 60,000 kilowatt unit in its power station, and to provide funds for its own 1951 construction program.

The declaration indicates that the proposed notes will be retired by the financing proposed in the Amended Reorganization Plan No. 2 of Eastern Utilities Associates and its subsidiary companies, which plan, dated July 30, 1951, has been fied with this Commission in File No. 54–188.

The declaration states that the total expenses in connection with the proposed issuance of said notes, including counsel fees of not more than $500, are estimated to aggregate not more than $600. The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed issuance of said notes.

Fall River requests that the Commission's order herein become effective forthwith upon issuance.

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the declaration that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935, that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51–11315; Filed, Sept. 19, 1951; 8:48 a. m.]

[File No. 70–2690]

GENERAL PUBLIC UTILITIES CORP. ET AL.

ORDER AUTHORIZING PROPOSED CAPITAL CONTRIBUTION, AND ISSUANCE, SALE, AND ACQUISITION OF SECURITIES

In the matter of General Public Utilities Corporation, Associated Electric Company, Pennsylvania Electric Company, File No. 70–2690.

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 12th day of September A. D. 1951.

General Public Utilities Corporation ("GPU"), a registered holding company, Associated Electric Company ("Aelec"), subsidiary of GPU and also a registered holding company, and Pennsylvania Electric Company ("Penelec"), subsidiary of Aelec and an operating utility company, having filed a joint application-declaration and an amendment thereto pursuant to section 6 (b), 9 (a), 10 and 12 of the Public Utility Holding Company Act of 1935, and Rules U-23, U-45, and U-50 promulgated thereunder, with respect to the following transactions:

GPU proposes to make a cash capital contribution to Aelec in the aggregate amount of $3,300,000. Penelec proposes to issue and sell to Aelec, and Aelec proposes to purchase from Penelec (utilizing for this purpose the cash capital contribution received by Aelec from GPU), 165,000 additional shares of Common Stock ("Additional Common Stock") of Penelec for a purchase price equal to the par value thereof, namely, $20 per share, or an aggregate of $3,300,000.

Subject to obtaining the consent of the holders of a majority of the shares of its outstanding Preferred Stock, Penelec proposes to increase the number of shares of its authorized Preferred Stock from 240,000 shares of the par value of $100 per share to 300,000 shares of the par value of $100 per share.

Penelec proposes publicly to invite bids for the purchase from it of $5,000,000 principal amount of additional First Mortgage Bonds ("New Bonds") and 30,000 additional shares of Cumulative Preferred Stock, par value $100 per share ("New Preferred Stock"), the price to Penelec to be specified in such bids to be not less than 100 percent nor more than 102¾ percent of the principal amount of the New Bonds or of the par value of the New Preferred Stock.

Penelec proposes to utilize the net proceeds of the New Bonds, New Preferred Stock and Additional Common Stock (estimated to aggregate not less than $11,300,000) for the following purposes:

(1) $4,000,000 of the proceeds will be used to partially reimburse Penelec's treasury for construction expenditures therefrom during the period August 1, 1949–June 30, 1951. Out of the treasury funds as thus reimbursed, Penelec will pay its bank loan dated June 7, 1951 and maturing on December 7, 1951 in the amount of $2,500,000.

(2) The balance of approximately $7,300,000 will be used to meet a part of Penelec's construction expenditures subsequent to June 30, 1951 or to partially reimburse Penelec's treasury for such expenditures or to repay bank loans incurred subsequent to June 30, 1951, the proceeds of which have been or will be applied to such purposes.

Penelec estimates that approximately $10,000,000 will be required during the six months ending December 31, 1951 in furtherance of its general construction program.

Penelec estimates that its expenses in the issuance and sale of said securities will aggregate $87,000, including (in addition to statutory taxes and filing fees, and printing and engraving) legal fees and expenses in the amount of $16,000, accounting fees and expenses in the amount of $10,000, and fees and disbursements of indenture trustee, transfer agent, and registrar in the amount of $4,000.

Such application-declaration having been duly filed, and notice of its filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that the issue and sale of said securities by Penelec are solely for the purpose of financing the business of said company; that such issue and sale have been expressly authorized by the Pennsylvania Public Utility Commission, the regulatory commission of the State in which said company is organized and doing business; and

It further appearing that the proposed capital contribution by GPU to Aelec, and the acquisition by Aelec of the Additional Common Stock of Penelec will serve the public interest by tending toward the economical and efficient development of the public-utility system; and

The Commission finding with respect to said application-declaration as amended that the applicable provisions of the act and rules thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interests of investors and consumers that the said application-declaration as amended be granted and permitted to become effective forthwith, subject to the terms and conditions hereinafter stated:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that the said application-declaration as amended be and the same hereby is granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the following further terms and conditions:

1. That the proposed issuance and sale of the New Preferred Stock and New Bonds shall not be consummated until the results of competitive bidding and the public offering price of said securities shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for the imposition thereof.

2. Jurisdiction is also reserved with respect to the payment of all fees for legal and accounting services.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51–11317; Filed, Sept. 19, 1951; 8:48 a. m.]

[File No. 70-2691]

BROCKTON EDISON CO.

ORDER GRANTING AUTHORITY TO ISSUE PRINCIPAL AMOUNT OF PROMISSORY NOTES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of September A. D. 1951.

Brockton Edison Company ("Brockton"), a public utility subsidiary of Eastern Utilities Associates, a registered holding company, having filed a declaration, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following proposed transactions:

Brockton proposes to issue to The First National Bank of Boston ("First National"), under a loan agreement, unsecured promissory notes in an aggregate maximum face amount of $1,000,000. Each of said notes will mature December 31, 1951 and will bear interest at the prime interest rate (presently 2½ percent) existing on its issue date. Brockton will not consummate any loan at an interest rate in excess of 2¾ percent except after an amendment to the declaration stating such interest rate shall have become effective. If such amendment is filed after the declaration has become effective, Brockton will request therein that the amendment be permitted to become effective five days after filing without further order of the Commission unless the Commission shall have notified Brockton to the contrary. Pursuant to the loan agreement, First National is not obligated to lend in excess of $350,000 unless one or more other banks shall then participate or shall have participated at least to the extent of such excess. First National has informed Brockton that it has received a firm commitment from The Chase National Bank of the City of New York to participate to the extent of $650,000. The proposed notes will be prepayable at any time without premium.

The proceeds from the proposed notes will be used by Brockton to pay off short term 2½ percent promissory notes presently outstanding in the face amount of $200,000, to purchase additional shares of common stock of its subsidiary, Montaup Electric Company, which is installing a new 60,000 kilowatt unit in its power station, and to provide funds for its own 1951 construction program.

The declaration indicates that the proposed notes will be retired by the financing proposed in the Amended Reorganization Plan No. 2 of Eastern Utilities Associates and its subsidiary companies, which plan, dated July 30, 1951, has been filed with this Commission in File No. 54-188.

The declaration states that the total expenses in connection with the proposed issuance of said notes, including counsel fees of not more than $600, are estimated to aggregate not more than $700. The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed issuance of said notes.

Brockton requests that the Commission's order herein become effective forthwith upon issuance.

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the declaration that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935, that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-11314; Filed, Sept. 19, 1951; 8:48 a. m.]

[File No. 70-2692]

NORTHERN STATES POWER CO.

ORDER AUTHORIZING BANK LOANS

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 12th day of September, A. D. 1951.

Northern States Power Company ("the Company"), a Minnesota corporation which is both a registered holding company and an operating utility company, having filed a declaration pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 with respect to the following transaction:

The Company proposes to negotiate loans aggregating not to exceed $15,000,000 from a group of banks, the loans to be evidenced by promissory notes to be dated as of the date of the loans and to be payable, without premium, on or before a date not more than twelve months from the date of the initial loan. The Company expects to make an initial borrowing of $7,500,000 as soon as possible after this declaration is permitted to become effective, and the remaining $7,500,000 approximately 60 days thereafter, but in any event all borrowings proposed by this declaration will be made before December 31, 1951. The interest rate on each loan will not exceed the prime interest rate (presently 2½ percent) on bank loans of this type at the time commitment for the loan is made. The banks which may participate in the loans may include some or all of the following:

Northwestern National Bank of Minneapolis.
First National Bank of Minneapolis.
The First National Bank of Saint Paul.
The Chase National Bank of the City of New York.
Continental Illinois National Bank and Trust Company of Chicago.
Harris Trust and Savings Bank, Chicago.

The Company will not consummate any loan at an interest rate in excess of 2¾ percent or with any bank not listed above except after an amendment to this declaration stating such interest rate or naming such bank, as the case may be, shall have become effective. If such amendment is filed after this declaration has become effective, the Company will request therein that the amendment be permitted to become effective five days after filing without further order of the Commission unless the Commission shall have notified the Company to the contrary.

The proceeds from the loans will be added to the general funds of the Company and used to provide part of the new capital required during the balance of 1951 and in the first part of 1952 in connection with the construction program of the Company and its subsidiaries.

The construction expenditures of the Company and its subsidiaries are estimated at $23,640,000 for the second half of the year 1951 and $30,100,000 for the year 1952, based on present-day costs of labor and materials. The Company estimates that approximately $32,500,000 of new money in addition to that available from treasury cash, reserves and earnings, will be required to finance such expenditures. The Company proposes to obtain $15,000,000 of this amount temporarily from the proposed bank loans; and it expects, if market and economic conditions are favorable, to finance the repayment of the proposed bank loans and the balance of its 1952 requirements by the sale in 1952 of common stock and other securities senior thereto in the proportionate amounts deemed necessary to maintain sound capitalization ratios.

The Company states that no finder's fee or other fee, commission or remuneration will be paid in connection with the proposed loans. It estimates that its total expenses will not exceed $4,000, including a fee of $2,500 to its attorneys.

Such declaration having been duly filed, and notice of its filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the applicable provisions of the act and rules thereunder are satisfied, that the estimated fees and expenses are not unreasonable, and that no adverse findings are necessary; and deeming it appropriate in the public interest and in the interests of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and provisions prescribed in Rule U-24, that said dec-

laration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-11316; Filed, Sept. 19, 1951; 8:48 a. m.]

[File No. 70-2696]

OHIO POWER CO.

ORDER AUTHORIZING ACQUISITION OF ALL THE UTILITY ASSETS OF A MUNICIPAL ELECTRIC PLANT

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 14th day of September A. D. 1951.

The Ohio Power Company ("Ohio"), a public utility subsidiary company of American Gas and Electric Company, a registered holding company, having filed with the Commission an application pursuant to sections 9 and 10 of the Public Utility Holding Company Act of 1935 regarding the following transactions:

Ohio proposes to acquire for $230,000 in cash, the complete facilities of the municipally owned generating plant and distribution system of the village of Columbus Grove, Ohio. Ohio states that Columbus Grove made a public invitation for bids to purchase its utility facilities and that the bid of Ohio, which has been accepted by Columbus Grove, was the only one received. The application states that Columbus Grove has bonded indebtedness and other obligations presently outstanding in the amount of approximately $222,000. It is proposed that the cash received by Columbus Grove will be applied in part to retire its outstanding obligations and thereafter the assets would be conveyed to Ohio free and clear of all indebtedness. The application further states that Columbus Grove is situated in the general territory served by Ohio, that Columbus Grove serves electric energy to approximately 770 customers, and that the annual customer billing of Columbus Grove is approximately $70,000.

Ohio proposes to record the Columbus Grove properties on its books on the basis of original cost (to the extent that such original cost can be determined or estimated) and the difference, if any, between the purchase price and such original cost will be recorded and disposed of in accordance with the accounting regulations and orders of the regulatory Commissions having jurisdiction.

Said application having been filed on August 28, 1951, and an amendment thereto having been filed on September 7, 1951, and notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The application having represented that no State Commission has jurisdiction over the proposed transaction; that no fees or commissions will be paid in respect thereof; and the applicant having requested that the Commission's order herein with respect to said application, as amended, be granted, effective forthwith; and

The Commission finding with respect to the application, as amended, that the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted, effective forthwith, subject to the terms and conditions specified below:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935 that said application, as amended, be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 51-11318; Filed, Sept. 19, 1951; 8:49 a. m.]